

Federal Register

Thursday
December 20, 1979

NOTE:

Due to a shortage of newsprint, today's Federal Register is printed on a higher quality paper. As supplies become available, the Federal Register will resume the use of newsprint.

Highlights

- 75405 Improving Government Regulations** PBGC publishes semiannual agenda of significant regulations under development
- 75384 Natural and Other Gas** DOT/MTB establishes the monitoring requirements for testing short sections of transmission pipelines on a sampling basis to determine effectiveness of cathodic protection in controlling corrosion; effective 12-20-79
- 75535 Nuclear Industry** NRC and Justice/FBI issue memorandum of understanding for cooperation regarding threat, theft, or sabotage
- 75393 Banks and Banking** FRS proposes policy statement for assessing financial factors in the formation of small one-bank holding companies; comments by 1-31-80
- 75379 Federal Credit Unions** NCUA adopts maximum dividend rates for share accounts and share certificate accounts; effective 1-1-80
- 75399 Securities** SEC proposes filing and disclosure requirements relating to beneficial ownership; comments by 2-15-80

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Highlights

- 75558 Aircraft Operating Noise Limits** DOT/FAA issues compliance plans and expanded definition of replacement airplanes; effective 12-20-79 (Part III of this issue)
- 75385 Lamps, Reflective Devices, and Associated Equipment** DOT/NHTSA amends safety standards
- 75522 Women's Educational Equity Act Program** HEW/OE withdraws closing date for general and small grants applications
- 75408 Disaster Assistance** FEMA proposes guidelines for State and local governments and qualifying private nonprofit institutions; comments by 2-19-80
- 75519 Age Discrimination Prohibition** EPA gives notice of July 1, 1979 effective date under all programs receiving EPA assistance
- 75576 Temporary Housing** FEMA issues rules prescribing pre-termination procedure; effective 12-20-79 (Part V of this issue)
- 75382 Exports to Rhodesia** Commerce/ITA lifts embargo on exports; effective 12-17-79
- 75552 Negotiated Contracts** DOT/FHWA amends rules regarding procedures for administration; effective 1-21-80 (Part II of this issue)
- 75546 Privacy Act** DOD/Uniformed Services University of the Health Sciences issues notice of amended system of records
- 75530 Privacy Act** Justice Department publishes document affecting systems of records
- 75528, 75392 Privacy Act** Japan-U.S. Economic Relations Group publishes documents affecting systems of records and access regulations (2 documents)
- 75612 High Cost Natural Gas** DOE/EIA issues alternative fuel price ceilings and incremental price threshold (Part VIII of this issue)
- 75549 Sunshine Act Meetings**

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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.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 16

[Amdt. 14]

Restrictions on the Importation of Meat from Nicaragua, Honduras, Australia, and New Zealand

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the final rules published on December 10, 1979 (44 FR 70707) regarding limitations on the importation of certain meats from Nicaragua, Honduras, Australia, and New Zealand, respectively. Imports of such meat from Nicaragua, Honduras, Australia, and New Zealand were previously limited to 67.9, 49.7, 873.8, and 358.8 million pounds, respectively, for calendar year 1979 in order to carry out the 1979 restraint program, including the agreements entered into by the United States with Nicaragua, Honduras, Australia, and New Zealand pursuant to Section 204 of the Agricultural Act of 1956 limiting the export from Nicaragua, Honduras, Australia, and New Zealand and the importation into the United States of certain meats. This amendment increases this limitation to 68.4 million pounds for Nicaragua, 50.1 million pounds for Honduras, 880.7 million pounds for Australia, and 361.7 million pounds for New Zealand for calendar year 1979 in view of the changes which have been made in the restraint levels for various countries participating in the 1979 restraint program. The global level of imports has not been changed.

EFFECTIVE DATE: December 20, 1979. See supplementary information.

FOR FURTHER INFORMATION CONTACT: Bryant Wadsworth (FAS), 202-447-7217, Dairy, Livestock & Poultry Division, CP, FAS, USDA, Room 6621 South Building, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: The Secretary of State and the Special Representative for Trade Negotiations concur in the issuance of this regulation.

The action taken herewith has been determined to involve foreign affairs functions of the United States. Therefore these regulations fall within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553 and E.). 12044.

Effective Date

Meat released under the provisions of sections 448 (b) and 484(a)(1)(A) of the Tariff Act of 1930 19 U.S.C. 1448(b) (immediate delivery) and 19 U.S.C. 1484 (A)(1)(A) (entry)) prior to (December 20, 1979) shall not be denied entry.

Accordingly, Section 16.5 "Quantitative Restrictions" of Subpart A, Section 204 Import Regulations of Part 16, Limitation on Imports of Meat, of Title 7 of the Code of Federal Regulations is amended as follows:

§ 16.5 [Amended]

1. In paragraph (a), imports from Nicaragua, "67.9 million pounds" is deleted and "68.4 million pounds" is inserted in lieu thereof.

2. In paragraph (b), imports from Honduras, "49.7 million pounds" is deleted and "50.1 million pounds" is inserted in lieu thereof.

3. In paragraph (c), imports from Australia and New Zealand, "873.8 and 358.8 million pounds", respectively, is deleted and "880.7 and 361.7 million pounds", respectively, is inserted in lieu thereof.

(Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854) and Executive Order 11539 (35 FR 10733))

Issued at Washington, D.C. this 18th day of December, 1979.

Dale E. Hathaway,

Acting Secretary.

[FR Doc. 79-39207 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-10-M

7 CFR Part 16

[Amdt. 13]

Restrictions on the Importation of Meat From Costa Rica, Dominican Republic, and Guatemala

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: The regulation set forth in this Subpart is amended to limit imports of certain meats from Costa Rica, Dominican Republic, and Guatemala to no more than 71.1, 3.5, and 33.0 million pounds, respectively, during calendar year 1979. Such action is necessary to carry out the 1979 restraint program, including the agreement entered into by the United States with Costa Rica, Dominican Republic, and Guatemala pursuant to Section 204 of the Agricultural Act of 1956, limiting the export from Costa Rica, Dominican Republic, and Guatemala and the importation into the United States of certain meats.

EFFECTIVE DATE: December 20, 1979. See supplementary information.

FOR FURTHER INFORMATION CONTACT:

Bryant Wadsworth (FAS), 202-447-7217, Dairy, Livestock & Poultry Division, CP, FAS, USDA, Room 6621 South Building, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: The Secretary of State and the Special Representative for Trade Negotiations concur in the issuance of this regulation.

This regulation establishes quantitative restrictions applicable to meat imported from Costa Rica, Dominican Republic, and Guatemala which may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly, at the level of 71.1, 3.5, and 33.0 million pounds, respectively, during calendar year 1979.

The action taken herewith has been determined to involve foreign affairs functions of the United States. Therefore this regulation falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553 and Executive Order 12044.

Effective Date

Meat released under the provisions of sections 448(b) and 484(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1448(b) (immediate delivery) and 19 U.S.C. 1484(a)(1)(A) (entry)) prior to December 20, 1979 shall not be denied entry.

Accordingly, § 16.5 "Quantitative Restrictions" of Subpart A, Section 204 Import Regulations of Part 16, Limitation on Imports of Meat, of Title 7 of the Code of Federal Regulations is amended to add paragraphs (d), (e) and (f) which read as follows:

§ 16.5 Quantitative restrictions.

* * * * *

(d) Imports from Costa Rica. During calendar year 1979, no more than 71.1 million pounds of meat, exported for Costa Rica in the form in which it would fall within the definition of meat in TSUS 106.10 or 106.20 may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly from Costa Rica to the United States.

(e) Imports from the Dominican Republic. During calendar year 1979, no more than 3.5 million pounds of meat, exported from the Dominican Republic in the form in which it would fall within the definition of meat in TSUS 106.10 or 106.20 may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly from the Dominican Republic to the United States.

(f) Imports from Guatemala. During calendar year 1979 no more than 33.0 million pounds of meat, exported from Guatemala in the form in which it would fall within the definition of meat TSUS 106.10 or 106.20 may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly from Guatemala to the United States.

(Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854) and Executive Order 11539 (35 FR 10733))

Issued at Washington, D.C. this 18th day of December, 1979.

Dale E. Hathaway,
Acting Secretary.

[FR Doc. 79-39208 Filed 12-19-79, 8:45 am]

BILLING CODE 3410-10-M

EFFECTIVE DATE: December 20, 1979.

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

SUPPLEMENTARY INFORMATION: The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the Federal Register on October 25, 1979 (44 FR 61352), outlining prescribed procedures for insuring tobacco under the "Dollar Plan" effective with the 1980 crop year. In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that a new Part 434 of Chapter IV in Title 7 of the Code of Federal Regulations be established to prescribe procedures for insuring tobacco under the "Dollar Plan" effective with the 1980 crop year to be known as 7 CFR Part 434 Tobacco (Dollar Plan) Crop Insurance.

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

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

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

the Manager of the Corporation is authorized to take action to grant relief.

Under the provisions of Executive Order No. 12044, and the Administrative Procedures Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and views on the proposed regulations, but none were received. Therefore, with the exception of minor and nonsubstantive corrections to language, the regulations as contained in the proposed rule are hereby issued as a final rule to be in effect starting with the 1980 crop year.

In addition, there is hereby added to the final rule an Appendix "B", which lists the counties where tobacco crop insurance is available in accordance with the provisions of 7 CFR 434.1 outlined below which state in part that before insurance is offered in any county there shall be published by appendix to this part the names of the counties in which such insurance shall be offered.

Inasmuch as the publication of the list of counties and crops insured by the Federal Crop Insurance Corporation as contained in Appendix "B" merely provides guidance for the general public and has no effect on the provisions of the insurance plan, the Corporation has determined that compliance with the procedure for notice and public participation in the rulemaking process would be impracticable, unnecessary, and contrary to the public interest.

Therefore, Appendix "B" is issued without compliance with such procedure.

Final Rule

PART 401—FEDERAL CROP INSURANCE

§ 401.141 [Reserved]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby deletes and reserves 7 CFR 401.141, with the provisions contained therein remaining in effect for FCIC insurance policies issued for crop years prior to 1980, and issues a new Part 434 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 434) to be known as the Tobacco (Dollar Plan) Crop Insurance Regulations, which shall remain in effect, until amended or superseded, for the 1980 and succeeding crop years, to read as follows:

PART 434—DOLLAR PLAN OF TOBACCO CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

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

Appendix B—Counties Designated for Dollar Plan of Tobacco Crop Insurance.
 Authority: Secs. 506, 516, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516)

§ 434.1 Availability of the dollar plan of tobacco insurance

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

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

(a) The Manager shall establish premium rates, amounts of insurance, and coverage levels for tobacco which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

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

§ 434.3 Public notice of indemnities paid.

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

§ 434.4 Creditors.

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

§ 434.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the dollar plan of tobacco insurance

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

§ 434.6 The contract.

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

§ 434.7 The application and policy.

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

(b) The Corporation reserves the right to discontinue the acceptance of

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

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

(d) The provisions of the application and the Dollar Plan of Tobacco Insurance Policy for the 1980 and succeeding crop years, and the Appendix to the Dollar Plan of Tobacco Insurance Policy are as follows:

U.S. Department of Agriculture

Federal Crop Insurance Corporation
 Application For 19— and Succeeding Crop Years

Dollar Plan of Tobacco Crop Insurance Contract

(Contract Number) _____
 (Identification Number) _____
 (Name and Address) _____
 (Zip Code) _____
 (County) _____
 (State) _____
 (Type of Entity) _____

Applicant is over 18 Yes— No—

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the tobacco planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level. **THE PREMIUM RATES AND AMOUNTS OF INSURANCE SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.**

LEVEL ELECTION _____

Example: For the 19— Crop Year Only (100% Share)

Location/ Farm No.	Amount of Insurance Per Acre*	Premium Per \$100**	Practice
.....
.....
.....

*Your guarantee will be based on the unit (acres x dollar amount x share).
 **Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the following dollar plan of tobacco insurance policy, the attached appendix, and the provisions of the county actuarial table showing the amounts of insurance, coverage levels, premium rates, insurable and uninsurable acreage, and applicable dates shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

(Code No./Witness To Signature) _____

(Signature of Applicant) _____

(Date) _____, 19____

Address of Office for County: _____

Phone _____

Location of Farm Headquarters: _____

Phone _____

Dollar Plan of Tobacco Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. *Causes of Loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss that are shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not

specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and Acreage Insured.* (a) The crop insured shall be tobacco of the type shown as insurable on the actuarial table and which is grown on insured acreage and for which the actuarial table shows an amount of insurance and premium rate.

(b) The acreage insured for each crop year shall be that acreage planted to an insurable tobacco type on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (2) on which it is determined by the Corporation the tobacco was destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture, (3) which is destroyed and after such destruction it was practical to replant to tobacco and such acreage was not replanted, (4) initially planted after the date on file in the office for the county which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, (5) planted to tobacco of a discount variety under the provisions of the tobacco price support program, (6) planted to a type or variety of tobacco not established as adapted to the area or shown as noninsurable on the actuarial table, or (7) planted for experimental purposes.

3. *Responsibility of Insured To Report Acreage and Share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of insurable types of tobacco planted in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of planting. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. *Amounts of Insurance and Coverage Levels.* (a) For each crop year of the contract, the dollar amounts of insurance and coverage levels shall be those shown on the actuarial table.

(b) In addition to the provisions contained in section 10 of the appendix, if for any crop year the support price per

pound is reduced 10 percent or more below the support price per pound for the previous crop year, the dollar amounts of insurance per acre for the current crop year shall be adjusted by multiplying the support price per pound (rounded to the nearest cent, less warehouse charges as determined by the Corporation) for the current crop year by the amount in pounds per acre shown on the actuarial table for this purpose: *Provided, however*, That where a tobacco price support program is not in effect for the kind of tobacco which includes the insured type for any crop year, the amounts in pounds per acre shown on the actuarial table will be multiplied by the market price for that crop year to determine the amount of insurance per acre for such crop year.

5. *Annual Premium.* (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multiplying the insured acreage times the dollar amount of insurance per acre, times the applicable premium rate, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

BILLING CODE 3410-08-M

% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio ^{1/} Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 - .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 - .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 - .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 - .80	100	100	95	95	85	85	85	85	90	90	90	85	85	85	85	80
.81 - 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE

	Number of Loss Years Through Previous Year ^{2/}															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio ^{1/} Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 - 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 - 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 - 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 - 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 - 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 - 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 - 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 - 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 - 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 - Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

^{1/} Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

^{2/} Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided*, When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however*, if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance Period.* Insurance on insured acreage shall attach at the time the tobacco is planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) weighing in at the tobacco warehouse, (c) removal of the tobacco from the unit (except for curing, grading, packing, or immediate delivery to the tobacco warehouse), (d) total destruction of the insured tobacco crop, (e) the applicable date set forth below, according to type of tobacco, immediately following the normal harvest period:

Type of tobacco:	
11	Dec. 31.
12	Nov. 30.
13	Oct. 31.
14	Sept. 30.
31, 35 and 38	Feb. 28.
All other types	Mar. 31.

7. *Notice of Damage or Loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the tobacco on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the

consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to tobacco. Notice shall also be given when such acreage has been put to another use.

(c) Notice shall be given immediately if any tobacco is destroyed or damaged by fire during the insurance period.

(d) Where tobacco is not to be sold through auction warehouses and an indemnity is to be claimed, notice shall be given to allow the Corporation sufficient time to inspect the cured tobacco prior to its sale or other disposition.

(e) For any unit of tobacco of type 11, 12, 13 or 14 on which an indemnity is to be claimed and the tobacco stalks are to be destroyed before such notice would otherwise be required under the contract, notice of loss shall be given the Corporation upon completion of harvest. The tobacco stalks shall not be destroyed until consent is given by the Corporation.

(f) In addition to the notices required in subsections (b), (c), (d), and (e) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than 30 days after the earliest of (1) the date marketing or other disposal of the insured tobacco is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire tobacco crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(g) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed, shall be left intact until inspected by the Corporation.

(h) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for Indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of tobacco on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the corporation.

(b) indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of tobacco on the unit by the applicable amount of insurance per acre, which product shall be the amount of insurance for the unit, (2) subtracting therefrom the value of the total production to be counted for the unit as provided further in this section, and (3) multiplying the remainder by the insured share: *Provided*, That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The value of the total production to be counted for a unit shall be determined by the Corporation and shall include the value of all harvested and appraised production.

(1) The value of appraised production to be counted shall include: (i) the value of any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (ii) not less than the applicable amount of insurance for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause and (iii) not less than 35 percent of the amount of insurance for all other unharvested acreage.

(2) Production to count shall be valued as follows: (i) The gross returns (less actual warehouse charges) from tobacco sold on the warehouse floor, (ii) The fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (iii) The fair market value, as determined by the Corporation, of the tobacco harvested and not sold, (iv) The fair market value, as determined by the Corporation, of any unharvested tobacco as if such tobacco were harvested and cured, and (v) The current year's support price per pound (less warehouse charges as determined by the Corporation) for appraisals made by the Corporation for poor farming practices or uninsured causes of loss: *Provided, however*, That if a price support program is not in effect, such appraised production shall be valued at the market price for the current crop year.

(d) To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold, or otherwise disposed of by the

insured and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured.

(e) The stalks on any insured acreage of tobacco types 11, 12, 13, or 14 shall not be destroyed until consent is given by the Corporation. For any such acreage on which the stalks have been destroyed prior to such consent, the Corporation reserves the right to make an appraisal on such acreage of not less than the amount of insurance per acre.

(f) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of indemnity under the contract. However, if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of tobacco becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. *Other Insurance Against Fire.* If the insured has other insurance, whether valid or not, against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of either (a) the amount of indemnity determined pursuant to this contract without regard to any other insurance, or (b) the amount as determined by the Corporation by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section the amount of loss from fire shall be the difference between the fair market value of the production on the unit involved before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation of the production and fair market value.

10. *Misrepresentation and Fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such avoidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. *Transfer of Insured Share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the

transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

12. *Records and Access to Farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all tobacco produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

13. *Life of Contract: Cancellation and Termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided*, That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

States	Cancellation date	Termination Date for Indebtedness
All States.....	Dec. 31.....	Mar. 31.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix—Additional Terms and Conditions

1. *Meaning of Terms.* For the purposes of tobacco crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the amounts of insurance, coverage levels, premium rates, insurable and uninsurable acreage, and related information regarding tobacco insurance in the county.

(b) "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(c) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(d) "Crop year" means the period within which the tobacco crop is normally grown and shall be designated by the calendar year in which the tobacco crop is normally harvested.

(e) "Harvest" mean cutting or priming of at least 20 percent of the amount of tobacco in pounds per acre shown on the actuarial table for such purpose.

(f) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(g) "Insured" means the person who submitted the application accepted by the Corporation.

(h) "Market price," for a crop year in the case of tobacco (1) types 11, 12, 13, 14, 21, 22, 23, 31, 32, 35, and 36, means the average auction price for the applicable type (less warehouse charges) in the belt or area as determined by the Corporation, and (2) types 41, 54, and 55, means the average price for the applicable type in the belt or area as determined by the corporation. The market price when determined by the corporation shall be filed in the office for the county with the actuarial table.

(i) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(j) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Planting" means transplanting the tobacco plant from the bed to the field.

(l) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured tobacco crop at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured:

Provided, That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(m) "Support price per pound" means the average price support level per pound for the insured type of tobacco as announced by the United States Department of Agriculture under the tobacco price support program: *Provided, however*, That for any crop year in which a price support for the insured type is not in effect, the market price for that crop year shall be used in lieu thereof.

(n) "Tenant" means a person who rents land from another person for a share of the tobacco crop or proceeds therefrom.

(o) "Unit" means all insurable acreage in the county of an insurable type of tobacco planted on a farm or farms for which a single

farm acreage allotment and/or a single poundage marketing quota for the insurable type of tobacco is established and at the time of planting (1) the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis: *Provided, however*, That where a tobacco price support program is not in effect for the insurable type of tobacco for any crop year, the above words "planted on a farm or farms for which a single farm acreage allotment and/or a single poundage marketing quota for the insurable type of tobacco is established" shall be disregarded. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the tobacco crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. Acreage Insured. (a) The Corporation reserves the right to limit the insured acreage of tobacco to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the planting of tobacco.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. Irrigated Acreage. (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Where acreage is insurable on an irrigated basis, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

(c) Insurance shall not attach on an irrigated basis on acreage otherwise insurable on such basis unless it is so reported and designated by such practice at the time the acreage is reported.

4. Annual Premium. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the

contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however*, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. Claim for and Payment of Indemnity. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured tobacco acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c); *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However*, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the tobacco is planted for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. Subrogation. The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. Termination of the Contract. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force

through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. Coverage Level. (a) If the insured has not elected on the application a coverage level from among those shown on the actuarial table, the coverage level which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level for any crop year on or before the closing date for submitting applications for that crop year.

9. Assignment of Indemnity. Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. Contract Changes. The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 13 of the policy.

Appendix "B"

Counties Designated for Dollar Plan Crop Insurance—7 CFR Part 434

In accordance with the provisions of 7 CFR 434.1, the following counties are designated for Dollar Plan tobacco insurance:

State and county	Type(s)
Georgia:	
Appling.....	14
Atkinson.....	14
Bacon.....	14
Ben Hill.....	14
Berrien.....	14
Brantley.....	14
Bulloch.....	14
Candler.....	14
Colfax.....	14
Colquitt.....	14
Cook.....	14
Decatur.....	14
Emanuel.....	14
Evans.....	14
Grady.....	14
Irwin.....	14
Jeff Davis.....	14
Lanier.....	14
Mitchell.....	14
Pierce.....	14
Tattnall.....	14
Tift.....	14
Toombs.....	14
Turner.....	14
Ware.....	14
Wayne.....	14
Wheeler.....	14
Worth.....	14

State and county	Type(s)
Kentucky:	
Adair	31
Allen	35
Caldwell	22, 35
Calloway	23, 35
Christian	22, 35
Daviess	36
Graves	23, 35
Henderson	36
Hopkins	36
Logan	22, 35
McLean	36
Marshall	23, 35
Muhlenburg	22, 35
Ohio	36
Simpson	22, 35
Todd	22, 35
Trigg	22, 35
Warren	31
Webster	35
North Carolina:	
Alamance	11a
Alexander	11a
Beaufort	12
Bertie	12
Bladen	13
Brunswick	13
Carteret	12
Caswell	11a
Chatham	11b
Chowan	12
Columbus	13
Craven	12
Cumberland	13
Davidson	11a
Davie	11a
Duplin	12
Durham	11b
Edgecombe	12
Forsythe	11a
Franklin	11b
Gates	12
Granville	11b
Greene	12
Guilford	11a
Halifax	12
Harnett	11b
Hertford	12
Hoke	13
Iredell	11a
Johnston	12
Jones	12
Lee	11b
Lenoir	12
Martin	12
Montgomery	11b
Moore	11b
Nash	12
Northampton	12
Onslow	12
Orange	11b
Pamlico	12
Pender	12
Person	11a
Pitt	12
Randolph	11a
Richmond	11b
Robeson	13
Rockingham	11a
Sampson	12
Scotland	13
Stokes	11a
Surrey	11a
Vance	11b
Wake	11b
Warren	11b
Washington	12
Wayne	12
Wilkes	11a
Wilson	12
Yadkin	11a
South Carolina:	
Colleton	13
Tennessee:	
Dickson	22
Henry	23, 35
Macon	35
Montgomery	22
Robertson	22, 35
Stewart	22
Sumner	22, 35
Weakley	23, 35

State and county	Type(s)
Virginia:	
Amelia	11a, 21
Appomattox	11a, 21
Brunswick	11a, 21
Campbell	11a, 21
Charlottesville	11a, 21
Cumberland	11a, 21
Dimwiddle	11a, 21
Franklin	11a
Greensville	11a
Halifax	11a
Henry	11a
Lunenburg	11a, 21
Mecklenburg	11a
Nottoway	11a, 21
Patrick	11a
Pittsylvania	11a
Prince Edward	11a, 21
Prince George	11a
Southampton	11a
Suffolk	11a, 21
Sussex	11a
Wisconsin:	
Crawford	55
Dane	54
Lacrosse	55
Monroe	55
Richtland	55
Trempealeau	55
Vernon	55

These regulations have been reviewed under the USDA Criteria established to implement Executive Order No. 12044, "Improving Government Regulations". A determination has been made that this action should not be classified as "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A-40.

Dated: December 12, 1979.

Approved by:
George F. Vohs,
Acting Manager.

[FR Doc. 79-38883 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-08-M

**7 CFR Parts 401 and 436
Tobacco (Guaranteed Production)
Crop Insurance Regulations**

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

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

EFFECTIVE DATE: December 20, 1979.

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

SUPPLEMENTARY INFORMATION: The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the Federal Register on October 25, 1979 (44 FR 61366), outlining prescribed procedures for insuring tobacco under the "Guaranteed Production Plan" effective with the 1980 crop year. In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that a new Part 436 of Chapter IV in Title 7 of the Code of Federal Regulations be established to prescribe procedures for insuring tobacco under the "Guaranteed Production Plan" effective with the 1980 crop year to be known as 7 CFR Part 436 Tobacco (Guaranteed Production Plan) Crop Insurance.

All previous regulations applicable to insuring tobacco crops under the "Guaranteed Production Plan" as found 7 CFR 401.101-401.111, and 401.145, will not be applicable to 1980 and succeeding tobacco crops but will remain in effect for Federal Crop Insurance Corporation (FCIC) tobacco insurance policies issued under the "Guaranteed Production Plan" for the crop years prior to 1980.

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

In addition, 7 CFR Part 436 provides: (1) For a Premium Adjustment Table which replaces the current premium discount provisions and includes a maximum 50 percent premium reduction for good insurance experience, as well as premium increases for unfavorable experience, on an individual contract basis, (2) That any premium not paid by the termination date will be increased by a 9 percent service fee with a 9 percent simple interest charge applying to any unpaid balances at the end of each subsequent 12-month period thereafter, (3) That the time period for submitting a notice of loss be extended from 15 days to 30 days, (4) That the 60-day time period for filing a claim be eliminated, (5) That three coverage level options be offered in each county, (6) That the insurance will be offered as a guaranteed production with a poundage guarantee per acre and a price election per pound, (7) That adjustments for quality will be made when the price received is less than the market price, (8) That the cancellation date shall be

December 31 to coincide with all other spring crops in the tobacco areas, and (9) For an increase in the limitation from \$5,000 to \$20,000 in those cases involving good faith reliance on misrepresentation, as found in 7 CFR Part 436.5 of these proposed regulations, wherein the Manager of the Corporation is authorized to take action to grant relief.

Under the provisions of Executive Order No. 12044, and the Administrative Procedures Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and views on the proposed regulations, but none were received. Therefore, with the exception of minor and nonsubstantive corrections to language, the regulations as contained in the proposed rule are hereby issued as a final rule to be in effect starting with the 1980 crop year.

In addition, there is hereby added to the final rule an Appendix "B", which lists the counties where tobacco crop insurance is available in accordance with the provisions of 7 CFR 436.1 outlined below which state in part that before insurance is offered in any county there shall be published by appendix to this part the names of the counties in which such insurance shall be offered.

Inasmuch as the publication of the list of counties and crops insured by the Federal Crop Insurance Corporation as contained in Appendix "B" merely provides guidance for the general public and has no effect on the provisions of the insurance plan, the Corporation has determined that compliance with the procedure for notice and public participation in the rulemaking process would be impracticable, unnecessary, and contrary to the public interest.

Therefore, Appendix "B" is issued without compliance with such procedure.

Final Rule

PART 401—FEDERAL CROP INSURANCE

§ 401.145 [Reserved]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby deletes and reserves 7 CFR 401.145, with the provisions contained therein remaining in effect for FCIC insurance policies issued for crop years prior to 1980, and issues a new Part 436 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 436) to be known as the Tobacco (Guaranteed Production) Crop Insurance Regulations, which shall remain in effect, until

amended or superseded, for the 1980 and succeeding crop years, to read as follows:

PART 436—GUARANTEED PRODUCTION PLAN OF TOBACCO CROP INSURANCE

Subpart—Regulations for the 1980 and Succeeding Crop Years

Sec.

436.1 Availability of Guaranteed Production Plan of Tobacco Insurance.

436.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

436.3 Public notice of indemnities paid.

436.4 Creditors.

436.5 Good faith reliance on misrepresentation.

436.6 The contract.

436.7 The application and policy.

Appendix B. Counties Designated for Guaranteed Production Plan of Tobacco Crop Insurance

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

§ 436.1 Availability of guaranteed production plan of tobacco insurance.

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

§ 436.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for tobacco which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 436.3 Public notice of indemnities paid.

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

§ 436.4 Creditors.

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

§ 436.5 Good faith reliance on misrepresentation.

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

§ 436.6 The contract.

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

§ 436.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such

person's insurable share in the tobacco crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

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

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

(d) The provisions of the application and the Guaranteed Production Plan of Tobacco Crop Insurance Policy for the 1980 and succeeding crop years, and the Appendix to the Guaranteed Production Plan of Tobacco Insurance Policy are as follows:

U.S. DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Application for 19— and Succeeding Crop Years

Guaranteed Production Plan of Tobacco Crop Insurance Contract

(Contract Number) _____
 (Identification Number) _____
 (Name and Address) _____
 (ZIP Code) _____
 (County) _____
 (State) _____

Type of Entry _____ Applicant Is Over 18
 Yes—No—

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the tobacco planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant effects from the actuarial table the

coverage level and price at which indemnities shall be computed. THE PREMIUM RATES AND PRODUCTION GUARANTEES SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.

LEVEL ELECTION _____,
 PRICE ELECTION _____,
 Example: For the 19— crop year only (100% share).

Location/ farm no.	Guarantee per acre*	Premium per acre**	Practice
_____	_____	_____	_____
_____	_____	_____	_____

* Your guarantee will be on a unit basis (acres x per acre guarantee x share).
 ** Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the following guaranteed production plan of tobacco insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

 (Code No./Witness to Signature)

 (Signature of Applicant)

_____, 19—

(Date)

Address of office for county: _____

Phone _____

Location of Farm Headquarters: _____

Phone _____

Guaranteed Production Plan of Tobacco Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. *Causes of Loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period,

subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants, or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and Acreage Insured.* (a) The crop insured shall be tobacco of the type shown as insurable on the actuarial table and which is grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage planted to an insurable tobacco type on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) on which it is determined by the Corporation that the tobacco was destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture, (2) planted to tobacco of a discount variety under the provisions of the tobacco price support program, (3) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (4) which is destroyed and after such destruction it was practical to replant to tobacco and such acreage was not replanted, (5) initially planted after the date on file in the office for the county which has been established by the Corporation as being too late to initially plant and expect a normal crop to be produced, (6) planted to a type or variety of tobacco not established as adapted to the area or shown as noninsurable on the actuarial table, or (7) of tobacco grown for experimental purposes.

3. *Responsibility of Insured To Report Acreage and Share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of insurable types of tobacco planted in the county

(including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of planting. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. *Production Guarantees, Coverage Levels, and Prices for Computing Indemnities.* (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be reduced by 35 percent for any unharvested acreage.

5. *Annual Premium.* (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

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% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio <u>1/</u> Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 - .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 - .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 - .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 - .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 - 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE

	Number of Loss Years Through Previous Year <u>2/</u>															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio <u>1/</u> Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 - 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 - 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 - 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 - 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 - 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 - 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 - 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 - 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 - 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 - Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided*, When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however*, if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance Period.* Insurance on insured acreage shall attach at the time the tobacco is planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) weighing-in at the tobacco warehouse or removal of the tobacco from the unit (except for curing, grading, packing, or immediate delivery to the tobacco warehouse), (c) March 31 immediately following the normal harvest period, or (d) total destruction of the insured tobacco crop.

7. *Notice of Damage or Loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the tobacco on any unit is damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to tobacco. Notice shall also be

given when such acreage has been put to another use.

(c) Notice shall be given immediately if any insured tobacco is destroyed or damaged by fire during the insurance period.

(d) In addition to the notices required in subsections (b) and (c) of this section, if an indemnity is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than 30 days after the earliest of (1) the date marketing or other disposal of the insured tobacco is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire tobacco crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(e) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed, shall be left intact until inspected by the Corporation.

(f) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for Indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of tobacco on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of tobacco on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of tobacco to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided*, That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Any production which, due to insurable causes occurring during the insurance period, has a value of less than the market price for tobacco of the same type shall be adjusted by (i) dividing the value per pound of such damaged tobacco by the market price and (ii) multiplying the result by the number of pounds of such damaged tobacco.

(2) Appraised production to be counted shall include: (i) any appraisals by the Corporation for potential production on harvested acreage and for uninsured causes and poor farming practices, (ii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iii) only the appraisal in excess of 35 percent of the production guarantee for all other unharvested acreage.

(d) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However*, if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of tobacco becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. *Other Insurance Against Fire.* (a) If the insured has other insurance against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of (1) the amount of indemnity determined pursuant to this contract without regard to any other insurance or (2) the amount as determined by the Corporation by which the loss from fire exceeds the indemnity paid or payable under such other insurance.

(b) For purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit involved before and after the fire, as determined by the Corporation from appraisals made by the Corporation of the production and fair market value.

10. *Misrepresentation and Fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such

voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. *Transfer of Insured Share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

12. *Records and Access to Farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all tobacco produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

13. *Life of Contract: Cancellation and Termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided*, That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State	Cancellation Date	Termination Date For Indebtedness
All States.....	Dec. 31.....	March 31.....

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix—(Additional Terms and Conditions)

1. *Meaning of Terms.* For the purposes of tobacco crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding tobacco insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the tobacco crop is normally grown and shall be designated by the calendar year in which the tobacco crop is normally harvested.

(d) "Harvest" means cutting or priming of at least 20 percent of the production guarantee per acre shown on the actuarial table.

(e) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Market price" means the average price for the applicable type of tobacco as determined by the Corporation.

(h) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Planting" means transplanting the tobacco plant from the bed to the field.

(k) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured tobacco crop at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided*, That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit

is destroyed, as determined by the Corporation.

(1) "Tenant" means a person who rents land from another person for a share of the tobacco crop or proceeds therefrom.

(m) "Unit" means all insurable acreage of an insurable type of tobacco in the county on the date of planting for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the tobacco crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Acreage Insured.* (a) The Corporation reserves the right to limit the insured acreage of tobacco to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the planting of tobacco.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Irrigated Acreage.* (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Where irrigated acreage is insurable on an irrigated basis, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure

or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

(c) Insurance shall not attach on an irrigated basis on acreage otherwise insurable on such basis unless it is so reported and designated by such practice at the time the acreage is reported.

4. *Annual Premium.* If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; however, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. *Claim for and Payment of Indemnity.* (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured tobacco acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However*, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the

tobacco is planted for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. *Termination of the Contract.* (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *However*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. *Coverage Level and Price Election.*

(a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. *Assignment of Indemnity.* Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. *Contract Changes.* The Corporation reserves the right to change

any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 13 of the policy.

Appendix "B"

Counties Designated for Guaranteed Production Plan Crop Insurance—7 CFR Part 436

In accordance with the provisions of 7 CFR 436.1, the following counties are designated for Guaranteed Production Plan tobacco insurance:

State and county	Type(s)
Pennsylvania Lancaster.....	41

These regulations have been reviewed under the USDA Criteria established to implement Executive Order No. 12044, "Improving Government Regulations". A determination has been made that this action should not be classified as "significant" under those criteria. A Final Impact Statement has been prepared and is available from Peter F. Cole, Secretary, Federal Crop Insurance Corporation, Room 4088, South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A-40.

Dated: December 12, 1979.

Approved by:
George F. Vohs,
Acting Manager.

[FR Doc. 79-38882 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 420

[Amendment No. 1]

Grain Sorghum Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Grain Sorghum Crop Insurance Regulations for the 1980 and Succeeding Crop Years by adding additional counties where grain sorghum crop insurance is available

effective with the 1980 crop year. The counties listed in this amendment were approved by the Board of Directors of the Federal Crop Insurance Corporation under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 20, 1979.

ADDRESS: Suggestions or comments on this notice should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

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

SUPPLEMENTARY INFORMATION: On Thursday, September 20, 1979, the Federal Crop Insurance Corporation published regulations prescribing provisions for insuring grain sorghum effective with the 1980 crop year (44 FR 54453-54459, September 20, 1979) listing counties where grain sorghum crop insurance is available in accordance with the provisions of such regulations.

On November 23, 1979, the Board of Directors approved additional counties where grain sorghum crop insurance may be offered. This amendment, as outlined below, amends such regulations by adding those approved counties. Since this final rule merely adds approved counties where grain sorghum crop insurance is available, and since producers need to be informed of these additions immediately, it is found and determined that good cause exists for issuing this rule without compliance with the notice and public participation provisions of the Administrative Procedure Act (5 U.S.C. 533 (b) and (c)), and Executive Order No. 12044.

Final Rule

Accordingly, Appendix "B" of the Grain Sorghum Crop Insurance Regulations for the 1980 and Succeeding Crop Years (7 CFR Part 420), is amended effective for the 1980 crop year by adding the following list of counties where grain sorghum crop insurance is available:

	ALABAMA
Autauga	Perry
	ARIZONA
Cochise	Graham
	ARKANSAS
Clay	Lawrence
Greene	Miller
Independence	
	CALIFORNIA
Butte	Glenn
	ILLINOIS
Franklin	Pulaski
Massac	Union

	KANSAS
Decatur	Hamilton
Edwards	Kiowa
Gove	Norton
Graham	
	KENTUCKY
Ballard	
	MISSISSIPPI
Noxubee	
	MISSOURI
Audrain	Pettis
Carroll	St. Clair
Moniteau	Warren
Osage	
	NEBRASKA
Boyd	Valley
Greeley	
	NEW MEXICO
Luna	
	NORTH CAROLINA
Pasquotank	
	OKLAHOMA
Beaver	Wagoner
Huges	
	SOUTH DAKOTA
Buffalo	
	TENNESSEE
Henry	
	TEXAS
Brazoria	Howard
Colorado	Jackson
Cottle	Martin
Dickens	Runnels
Fisher	Tom Green

Note.—This amendment has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as "significant" under those criteria.

Approved by the Board of Directors on November 23, 1979.

Issued in Washington, D.C., on December 10, 1979.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: December 10, 1979.

Approved by:
George F. Vohs,
Acting Manager.

[FR Doc. 79-38874 Filed 12-19-79; 8:45 am]
BILLING CODE 3410-08-M

7 CFR Part 421

[Amendment No. 1]

Cotton Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Cotton Crop Insurance Regulations for the 1980 and Succeeding Crop Years by adding additional counties where cotton crop insurance is available effective with the 1980 crop year. The counties listed in this amendment were approved by the Board of Directors of the Federal Crop Insurance Corporation under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 20, 1979.

ADDRESS: Suggestions or comments on this notice should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

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

SUPPLEMENTARY INFORMATION: On Friday, September 28, 1979, the Federal Crop Insurance Corporation published regulations prescribing provisions for insuring cotton effective with the 1980 crop year (Federal Register, 44 FR 55792-55800), listing counties where cotton crop insurance is available in accordance with the provisions of such regulations.

On November 23, 1979, the Board of Directors approved additional counties where cotton crop insurance may be offered. This amendment, as outlined below, amends such regulations by adding those approved counties. Since this final rule merely adds approved counties where cotton crop insurance is available, and since producers need to be informed of these additions immediately, it is found and determined that good cause exists for issuing this rule without compliance with the notice and public participation provisions of the Administrative Procedure Act (5 U.S.C. 533 (b) and (c)), and Executive Order No. 12044.

Final Rule

Accordingly, Appendix "B" of the Cotton Crop Insurance Regulations for the 1980 and Succeeding Crop Years (7 CFR Part 421), is amended effective for the 1980 crop year by adding the following list of counties where cotton crop insurance is available:

	ALABAMA
Autauga	Monroe
Marengo	Perry
	ARIZONA
Cochise	Graham
	ARKANSAS
Drew	Pulaski
Miller	
	GEORGIA
Burke	Pulaski
Emanuel	Screven
Jefferson	Washington
Macon	
	LOUISIANA
East Carroll	
	MISSISSIPPI
Lowndes	Noxubee
Marshall	Tate
	NEW MEXICO
Luna	
	OKLAHOMA
Custer	Green
	TEXAS
Cottle	Jackson
Dickens	Martin
Fisher	Runnels
Howard	Tom Green

This amendment has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as "significant" under those criteria.

Approved by the Board of Directors on November 23, 1979.

Issued in Washington, D.C., on December 10, 1979.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: December 10, 1979.

Approved by:
George F. Vohs,
Acting Manager.

[FR Doc. 79-38875 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 424

[Amendment No. 1]

Rice Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Rice Crop Insurance Regulations for the 1980 and Succeeding Crop Years by adding additional counties where rice crop insurance is available effective with the 1980 crop year. The counties listed in this amendment were approved by the Board of Directors of the Federal Crop Insurance Corporation under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 20, 1979.

ADDRESS: Suggestions or comments on this notice should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

SUPPLEMENTARY INFORMATION: On Monday, November 26, 1979, the Federal Crop Insurance Corporation published regulations prescribing provisions for insuring rice effective with the 1980 crop year (44 FR 67349-67355, November 26, 1979) listing counties where rice crop insurance is available in accordance with the provisions of such regulations.

On November 23, 1979, the Board of Directors approved additional counties where rice crop insurance may be offered. This amendment, as outlined

below, amends such regulations by adding those approved counties. Since this final rule merely adds approved counties where rice crop insurance is available, and since producers need to be informed of these additions immediately, it is found and determined that good cause exists for issuing this rule without compliance with the notice and public participation provisions of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c), and Executive Order No. 12044.

Final Rule

Accordingly, Appendix "B" of the Rice Crop Insurance Regulations for the 1980 and Succeeding Crop Years (7 CFR Part 424), is amended effective for the 1980 crop year by adding the following list of counties where rice crop insurance is available:

Drew	ARKANSAS
Independence	Miller
Lawrence	Pulaski
Butte	CALIFORNIA
	Glenn
Allen	LOUISIANA
	East Carroll
Chambers	TEXAS
Colorado	Jackson
Harris	Jefferson
	Liberty

Note.—This amendment has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as "significant" under those criteria.

Approved by the Board of Directors on November 23, 1979.

Issued in Washington, D.C., on December 10, 1979.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: December 10, 1979.

Approved by:
George F. Vohs,
Acting Manager.

[FR Doc. 79-38876 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 425

[Amendment No. 1]

Peanut Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Peanut Crop Insurance Regulations for the 1980 and Succeeding Crop Years by adding additional counties where peanut crop insurance is available effective with the 1980 crop year. The counties listed in

this amendment were approved by the Board of Directors of the Federal Crop Insurance Corporation under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 20, 1979.

ADDRESS: Suggestions or comments on this notice should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

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

SUPPLEMENTARY INFORMATION: On Wednesday, November 28, 1979, the Federal Crop Insurance Corporation published regulations prescribing provisions for insuring peanuts effective with the 1980 crop year (44 FR 67953-67960, November 28, 1979), listing counties where peanut crop insurance is available in accordance with the provisions of such regulations.

On November 23, 1979, the Board of Directors approved additional counties where peanut crop insurance may be offered. This amendment, as outlined below, amends such regulations by adding those approved counties. Since this final rule merely adds approved counties where peanut crop insurance is available, and since producers need to be informed of these additions immediately, it is found and determined that good cause exists for issuing this rule without compliance with the notice and public participation provisions of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c), and Executive Order No. 12044.

Final Rule

Accordingly, Appendix "B" of the Peanut Crop Insurance Regulations for the 1980 and succeeding Crop Years (7 CFR Part 425), is amended effective for the 1980 crop year by adding the following list of counties where peanut crop insurance is available:

State and County and Type(s) of Peanuts Insured

Alabama: Butler.....	Runner, Southeast Spanish, Virginia.
Florida:	
Holmes.....	Do.
Jefferson.....	Do.
Georgia:	
Burke.....	Do.
Dougherty.....	Do.
Emanuel.....	Do.
Evans.....	Do.
Jefferson.....	Do.
Jenkins.....	Do.
Macon.....	Do.
Marion.....	Do.
Pulaski.....	Do.
Screven.....	Do.
Washington.....	Do.
Webster.....	Do.
Wheeler.....	Do.

State and County and Type(s) of Peanuts Insured—Continued

North Carolina: Perquimans	Runner, Virginia.
Oklahoma: Hughes	Southwest Spanish.
Texas: Harris	Runner, Southwest Spanish.

Note.—This amendment has been reviewed under the USDA criteria established to implement Executive Order No 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as "significant" under those criteria.

Approved by the Board of Directors on November 23, 1979
 Issued in Washington, D.C., on December 10, 1979.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: December 10, 1979.
 Approved by:
 George F. Vohs,
Acting Manager
 [FR Doc. 79-38877 Filed 12-19-79; 8:45 am]
 BILLING CODE 3410-08-M

7 CFR Part 427

[Amendment No. 1]

Oat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.
ACTION: Final rule.

SUMMARY: This rule amends the Oat Crop Insurance Regulations for the 1980 and Succeeding Crop Years by adding additional counties where oat crop insurance is available effective with the 1980 crop year. The counties listed in this amendment were approved by the Board of Directors of the Federal Crop Insurance Corporation under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 20, 1979.
ADDRESS: Suggestions or comments on this notice should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

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

SUPPLEMENTARY INFORMATION: On Monday, October 22, 1979, the Federal Crop Insurance Corporation published regulations prescribing provisions for insuring oats effective with the 1980 crop year (44 FR 60701-60709, October 22, 1979) listing counties where oat crop

insurance is available in accordance with the provisions of such regulations. On November 23, 1979, the Board of Directors approved additional counties where oat crop insurance may be offered. This amendment, as outlined below, amends such regulations by adding those approved counties. Since this final rule merely adds approved counties where oat crop insurance is available, and since producers need to be informed of these additions immediately, it is found and determined that good cause exists for issuing this rule without compliance with the notice and public participation provisions of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c), and Executive Order No. 12044.

Final Rule

Accordingly, Appendix "B" of the Oat Crop Insurance Regulations for the 1980 and Succeeding Crop Years (7 CFR Part 427), is amended effective for the 1980 crop year by adding the following list of counties where oat crop insurance is available:

Michigan	
Isabella	Lapeer
Kent	Montcalm
Minnesota	
Kanabec	Pine
Montana	
Phillips	Valley
Nebraska	
Boyd	
New York	
Cayuga	Wayne
Genessee	
Ohio	
Coshocton	Lorain
Holmes	Stark
Pennsylvania	
Berks	Northumberland
Crawford	
South Dakota	
Buffalo	Ziebach
Harding	
Texas	
Colorado	Fisher
Cottle	Harris
Wisconsin	
Door	Shawano
Green Lake	Washington
Juneau	Waupaca
Marquette	Waushara
Oconto	

Note.—This amendment has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as "significant" under those criteria.

Approved by the Board of Directors on November 23, 1979.
 Issued in Washington, D.C., on December 10, 1979.
 Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: December 12, 1979.
 Approved by:
 George F. Vohs,
Acting Manager.
 [FR Doc. 79-39070 Filed 12-19-79; 8:45 am]
 BILLING CODE 3410-08-M

7 CFR Part 428

[Amendment No. 1]

Sunflower Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.
ACTION: Final rule.

SUMMARY: This rule amends the Sunflower Crop Insurance Regulations for the 1980 and Succeeding Crop Years by adding additional counties where sunflower crop insurance is available effective with the 1980 crop year. The counties listed in this amendment were approved by the Board of Directors of the Federal Crop Insurance Corporation under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 20, 1979.
ADDRESS: Suggestions or comments on this notice should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.
FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3325.

SUPPLEMENTARY INFORMATION: On Monday, November 26, 1979, the Federal Crop Insurance Corporation published regulations prescribing provisions for insuring sunflowers effective with the 1980 crop year, (Federal Register) 44 FR 67355-67361), listing counties where sunflower crop insurance is available in accordance with the provisions of such regulations.

On November 23, 1979, the Board of Directors approved additional counties where sunflower crop insurance may be offered. This amendment, as outlined below, amends such regulations by adding those approved counties. Since this final rule merely adds approved counties where sunflower crop insurance is available, and since

producers need to be informed of these additions immediately, it is found and determined that good cause exists for issuing this rule without compliance with the notice and public participation provisions of the Administrative Procedure Act (5 U.S.C. 553(b) and (c)), and Executive Order No. 12044.

Final Rule

Accordingly, Appendix "B" of the Sunflower Crop Insurance Regulations for the 1980 and Succeeding Crop Years (7 CFR Part 428), is amended effective for the 1980 crop year by adding the following list of counties where sunflower crop insurance is available:

MINNESOTA	
Chippewa	Pope
Douglas	Roseau
Lac Qui Parle	Stevens
Lincoln	Swift
Lyon	Yellow Medicine
NORTH DAKOTA	
Adams	McLean
Benson	Mountrail
Burke	Pierce
Burlleigh	Ramsey
Cavalier	Renville
Divide	Rolette
Grant	Sheridan
Hettinger	Towner
Kidder	Ward
McHenry	Williams
McIntosh	
SOUTH DAKOTA	
Brookings	Edmunds
Brown	Grant
Clark	Marshall
Codington	Spink
Deuel	Sully

This amendment has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as "significant" under those criteria.

Approved by the Board of Directors on November 23, 1979.

Issued in Washington, D.C., on December 10, 1979.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: December 10, 1979.

Approved by:
George F. Vohs,
Acting Manager.

[FR Doc. 79-38878 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 431

[Amdt. No. 1]

Soybean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Soybean Crop Insurance Regulations for the 1980 and Succeeding Crop Years by adding additional counties where soybean crop insurance is available effective with the 1980 crop year. The counties listed in this amendment were approved by the Board of Directors of the Federal Crop Insurance Corporation under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 20, 1979.

ADDRESS: Suggestions or comments on this notice should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

SUPPLEMENTARY INFORMATION: On Thursday, November 8, 1979, the Federal Crop Insurance Corporation published regulations prescribing provisions for insuring soybeans effective with the 1980 crop year (Federal Register, 44 FR 64786-64794), listing counties where soybean crop insurance is available in accordance with the provisions of such regulations.

On November 23, 1979, the Board of Directors approved additional counties where soybean crop insurance may be offered. This amendment, as outlined below, amends such regulations by adding those approved counties. Since this final rule merely adds approved counties where soybean crop insurance is available, and since producers need to be informed of these additions immediately, it is found and determined that good cause exists for issuing this rule without compliance with the notice and public participation provisions of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c), and Executive Order No. 12044.

Final Rule.

Accordingly, Appendix "B" of the Soybean Crop Insurance Regulations for the 1980 and Succeeding Crop Years (7 CFR 431), is amended effective for the 1980 crop year by adding the following list of counties where soybean crop insurance is available:

Alabama

Autauga	Mobile
Cherokee	Monroe
Cullman	Perry
Marengo	Pickens

Arkansas

Drew	Miller
Independence	Pulaski

Florida

Holmes	Okaloosa
Jefferson	

Georgia

Brooks	Marion
Burke	Peach
Crawford	Pulaski
Dougherty	Scriven
Emanuel	Sumter
Evans	Thomas
Floyd	Washington
Jefferson	Webster
Jenkins	Wheeler
Macon	

Illinois

Alexander	Lake
Calhoun	Massac
DuPage	Pope
Edwards	Pulaski
Franklin	Saline
Gallatin	Union
Jackson	Wabash

Indiana

Clark	Pike
Dubois	Porter
Harrison	St. Joseph
Jefferson	Sponsor
Jennings	Starke
Lake	Steuben
Lawrence	Vanderburgh
Orange	Warrick
Owen	Washington

Kansas

Edwards

Kentucky

Ballard	Logan
Breckinridge	Todd
Christian	Warren
Hardin	Webster
Hickman	

Louisiana

Allen	St. Martin
East Carroll	Vermillion

Maryland

Carroll	Dorchester
Cecil	

Michigan

Isabella	Montcalm
Midland	

Mississippi

Alcorn	Noxubee
Lowndes	Tate
Marshall	

Missouri

Moniteau	St. Clair
Osage	Warren

North Carolina

Duplin	Perquimans
Franklin	Rowan
Lenoir	Sampson
Nash	Tyrrell
Pasquotank	Wake

Ohio

Adams	Ross
Brown	Stark
Clermont	Warren
Lorain	

Oklahoma

Hughes	Wagoner
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Pennsylvania

- Berks
- South Carolina
- Colleton
- Tennessee

- Coffee Lawrence
- Hardin McNairy
- Henderson Robertson
- Henry

Texas

- Brazoria Jackson
- Chambers Jefferson
- Colorado Liberty
- Floyd Matagorda
- Hale Swisher
- Harris Wharton

This amendment has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as "significant" under those criteria.

Approved by the Board of Directors on November 23, 1979.

Issued in Washington, D.C., on December 10, 1979.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: December 12, 1979.

Approved by:

George F. Vohs,
Acting Manager.

[FR Doc. 79-39071 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 432

[Amendment No. 1]

Corn Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Corn Crop Insurance Regulations for the 1980 and Succeeding Crop Years by adding additional counties where corn crop insurance is available effective with the 1980 crop year. The counties listed in this amendment were approved by the Board of Directors of the Federal Crop Insurance Corporation under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 20, 1979.

ADDRESS: Suggestions or comments on this notice should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department

of Agriculture, Washington, D.C. 20250, telephone 202-447-3325.

SUPPLEMENTARY INFORMATION: On Monday, November 26, 1979, the Federal Crop Insurance Corporation published regulations prescribing provisions for insuring corn effective with the 1980 crop year (Federal Register, 44 FR 67361-67369), listing counties where corn crop insurance is available in accordance with the provisions of such regulations.

On November 23, 1979, the Board of Directors approved additional counties where corn crop insurance may be offered. This amendment, as outlined below, amends such regulations by adding those approved counties. Since this final rule merely adds approved counties where corn crop insurance is available, and since producers need to be informed of these additions immediately, it is found and determined that good cause exists for issuing this rule without compliance with the notice and public participation provisions of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), and Executive Order No. 12044.

Final Rule

Accordingly, Appendix "B" of the Corn Crop Insurance Regulations for the 1980 and Succeeding Crop Years (7 CFR Part 432), is amended effective for the 1980 crop year by adding the following list of counties where corn crop insurance is available:

ALABAMA

- Autauga Marengo
- Butler Mobile
- Cherokee Monroe
- Cullman Perry
- Madison

ARIZONA

- Cochise Graham

CALIFORNIA

- Butte San Joaquin
- Glenn

FLORIDA

- Holmes Okaloosa
- Jefferson

GEORGIA

- Brooks Marion
- Burke Peach
- Crawford Pulaski
- Dougherty Screven
- Emanuel Sumter
- Evans Thomas
- Jefferson Washington
- Jenkins Webster
- Macon Wheeler

IDAHO

- Elmore

ILLINOIS

- Alexander Lake
- Calhoun Massac
- DuPage Pope
- Edwards Pulaski
- Franklin Saline
- Gallatin Union
- Jackson Wabash

INDIANA

- Clark Pike
- Dubois Porter
- Harrison St. Joseph
- Jefferson Spencer
- Jennings Starke
- Lake Steuben
- Lawrence Vanderburgh
- Orange Warrick
- Owen Washington

KANSAS

- Stafford

KENTUCKY

- Ballard Hickman
- Breckinridge Logan
- Calloway Ohio
- Graves Warren
- Hardin Webster

MARYLAND

- Carroll Frederick
- Cecil Washington
- Dorchester

MICHIGAN

- Allegan Lapeer
- Bay Midland
- Huron Montcalm
- Isabella Sanilac
- Kent

MINNESOTA

- Kanabec

MISSISSIPPI

- Lowndes
- Marshall

MISSOURI

- Moniteau
- Osage

MONTANA

- Big Horn
- Custer
- Richland

NEBRASKA

- Boyd
- Box Butte
- Brown
- Chayenne
- Deuel
- Garden
- Greeley
- Hayes
- Jefferson

NEW MEXICO

- Curry
- Luna
- Roosevelt

NEW YORK

- Cayuga
- Genesee
- Livingston
- Seneca

NORTH CAROLINA

- Craven
- Duplin
- Franklin
- Johnston
- Jones
- Lenoir

OHIO

- Adams
- Brown
- Clermont
- Coshocton
- Holmes

PENNSYLVANIA

- Berks
- Crawford

SOUTH CAROLINA

- Colleton

SOUTH DAKOTA

- Brown
- Buffalo
- Hand
- Harding

NEBRASKA

- Keith
- Morrill
- Perkins
- Rock
- Sheridan
- Valley
- Webster
- Wheeler

NEW MEXICO

- Curry
- Luna
- Roosevelt

NEW YORK

- Cayuga
- Genesee
- Livingston
- Seneca

NORTH CAROLINA

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- Duplin
- Franklin
- Johnston
- Jones
- Lenoir

OHIO

- Adams
- Brown
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PENNSYLVANIA

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SOUTH DAKOTA

- Brown
- Buffalo
- Hand
- Harding

NEBRASKA

- Keith
- Morrill
- Perkins
- Rock
- Sheridan
- Valley
- Webster
- Wheeler

NEW MEXICO

- Curry
- Luna
- Roosevelt

TENNESSEE

Carroll Henry
Coffee Lawrence
Dyer McNairy
Gibson Robertson
Hardin Weakley
Henderson

TEXAS

Brazoria Jackson
Colorado Sherman
Floyd Swisher
Harris Wharton
Hartley

VIRGINIA

Halifax

WISCONSIN

Door Shawano
Green Lake Washington
Juneau Waupaca
Marquette Waushara
Oconto

This amendment has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as "significant" under those criteria.

Approved by the Board of Directors on November 23, 1979.

Issued in Washington, D.C., on December 10, 1979.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: December 10, 1979.

Approved by:

George F. Vohs,
Acting Manager.

[FR Doc. 79-38879 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 433

[Amendment No. 1]

Dry Bean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Dry Bean Crop Insurance Regulations for the 1980 and Succeeding Crop Years by adding additional counties where dry bean crop insurance is available effective with the 1980 crop year. The counties listed in this amendment were approved by the Board of Directors of the Federal Crop Insurance Corporation under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: December 20, 1979.

ADDRESS: Suggestions or comments on this notice should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3325.

SUPPLEMENTARY INFORMATION: On Thursday, November 29, 1979, the Federal Crop Insurance Corporation published regulations prescribing provisions for insuring dry beans effective with the 1980 crop year (Federal Register, 44 FR 68435-68443), listing counties where dry bean crop insurance is available in accordance with the provisions of such regulations.

On November 23, 1979, the Board of Directors approved additional counties where dry bean crop insurance may be offered. This amendment, as outlined below, amends such regulations by adding those approved counties. Since this final rule merely adds approved counties where dry bean crop insurance is available, and since producers need to be informed of these additions immediately, it is found and determined that good cause exists for issuing this rule without compliance with the notice and public participation provisions of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), and Executive Order No. 12044.

Final Rule

Accordingly, Appendix "B" of the Dry Bean Crop Insurance Regulations for the 1980 and Succeeding Crop Years (7 CFR 433), is amended effective for the 1980 crop year by adding the following list of counties where dry bean crop insurance is available:

State and county	Class(es) of dry beans insured
Michigan:	
Isabella	Pea and medium white, light and dark red kidney, cranberry, turtle, and pinto.
Lapeer.....	Do.
Midland.....	Do.
Montcalm.....	Do.
Nebraska:	
Chase.....	Great Northern, pink, and pinton.
Keith.....	Do.
Kimball.....	Do.

This amendment has been reviewed under the USDA criteria established to implement Executive Order No. 12044, "Improving Government Regulations." A determination has been made that this action should not be classified as "significant" under those criteria.

Approved by the Board of Directors on November 23, 1979.

Issued in Washington, D.C., on December 10, 1979.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: December 10, 1979.

Approved by:
George F. Vohs,
Acting Manager.

[FR Doc. 79-38880 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 471]

Navel Oranges Grown in Arizona and Designated Part of California; Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation specifies minimum and maximum size requirements for shipments of fresh navel oranges grown in Arizona and a designated part of California. The action is needed to assure shipment of navel oranges of acceptable size thereby promoting orderly marketing in the interest of producers and consumers.

DATES: Effective December 21, 1979.

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

SUPPLEMENTARY INFORMATION: Findings. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and a designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The regulation is based upon recommendations and information submitted by the Navel Orange Administrative Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

These size requirements reflect the Department's appraisal of current and prospective supply and demand factors and the need for limiting the sizes of navel oranges during the period December 21, 1979, through February 14, 1980.

The 1979-80 navel orange crop is forecast at 58,000 carloads, about one-third larger than the 43,496 carloads produced in 1978-79. The committee reports that under 10 percent of the crop will be 3.70 inches in diameter or larger, and less than one percent smaller than 2.32 inches in diameter. These sizes characteristically are discounted in the markets, and tend to depress overall fresh orange prices.

The committee has estimated that about 36,500 carloads of the 58,000 carload crop will be needed to fill demand in regulated fresh market outlets. Hence, more than ample supplies of the more desirable sizes, i.e., those smaller than 3.70 inches in diameter and larger than 2.32 inches in diameter, are available to fill such demand. Oranges of the restricted sizes may be disposed of in processing and export markets.

It is concluded that the size limitations hereinafter set forth are necessary to establish and maintain orderly marketing conditions in the interest of producers and consumers pursuant to the declared policy of the Act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting on December 4, 1979. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, phone (202) 447-5975.

Accordingly, the requirements for the handling of navel oranges are established as follows:

§ 907.771 Navel Orange Regulation 471.

(a) During the period December 21, 1979, through February 14, 1980, no handler shall handle any navel oranges grown in District 1, 2, 3, or 4 which are of a size larger than 3.70 inches in diameter or which are of a size smaller than 2.32 inches in diameter, such diameter to be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the

fruit: *Provided*, That not to exceed 5 percent, by count, of oranges in any type of container may measure larger than 3.70 inches in diameter and not to exceed 5 percent, by count, of oranges in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handle," "District 1," "District 2," "District 3," and "District 4" mean the same as defined in the marketing order.

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

Dated: December 17, 1979.

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

[FR Doc. 79-3907 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 907

[Navel Orange Regulation 472; Navel Orange Regulation 470, Amendment 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 21-27, 1979, and increases the quantity of such oranges that may be so shipped during the period December 14-20, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective December 21, 1979, and the amendment is effective for the period December 14-20, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, (202) 447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend

to effectuate the declared policy of the act.

The committee met on December 18, 1979 to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is reasonably good on larger sizes but weaker on smaller sizes.

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

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, phone (202) 447-5975.

§ 907.772 Navel Orange Regulation 472.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period December 21, 1979, through December 27, 1979, are established as follows:

- (1) District 1: 598,000 cartons;
- (2) District 2: 49,504 cartons;
- (3) District 3: 39,000 cartons;
- (4) District 4: 13,000 cartons.

(b) As used in this section, "handle," "District 1," "District 2," "District 3," "District 4" and "carton" mean the same as defined in the marketing order.

§ 907.770 [Amended]

2. Paragraph (a)(1), (a)(3), and (a)(4) in § 907.770 Navel Orange Regulation 470

(44 FR 72571), is hereby amended to read:

- (1) District 1: 913,000 cartons;
- (3) District 3: 105,000 cartons;
- (4) District 4: 32,000 cartons.

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

Dated: December 19, 1979.

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

[FR Doc. 79-39284 Filed 12-19-79; 12:02 pm]

BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 329

Time Deposits of Insured Nonmember Commercial and Mutual Savings Banks

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation has, in coordination with the Board of Governors of the Federal Reserve System, the Federal Home Loan Bank Board, the National Credit Union Administration, and the Department of the Treasury, decided to take the following actions with respect to the interest rate regulations:

1. The rate on deposits with maturities of ninety days or more, but less than one year, will be increased.

2. A new variable rate deposit category will be established, and

3. The IRA/Keogh deposit and public unit time deposit categories will be substantially modified.

EFFECTIVE DATE: These amendments will be effective on January 1, 1980.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Senior Attorney, Bank Regulation Section, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. (202-389-4324).

SUPPLEMENTARY INFORMATION: After consultation with the Board of Governors of the Federal Reserve System and with the Federal Home Loan Bank Board, the National Credit Union Administration, and the Department of the Treasury, the Board of Directors of the Federal Deposit Insurance Corporation ("Board", "FDIC") has decided to take the following actions with respect to the interest rate regulations:

The rate on time deposits with maturities of ninety days or more, but less than one year, will be increased from the present commercial bank rate of 5½ percent to 5¾ percent and from

the present mutual savings bank rate of 5¾ percent to 6 percent.

A new two and one-half year certificate of deposit with a rate indexed to the two and one-half year average rate on Treasury securities has been established. In the case of mutual savings banks, the maximum rate payable will be fifty basis points (one half of one percent) below the two and one-half year average. In the case of commercial banks, the maximum permissible rate will be seventy-five basis points (three quarters of one percent) below the Treasury average, thus, preserving the differential for this category of deposit. The new category with its shorter maturity and narrower spread between the Treasury average and the maximum rate will replace the four-year, variable rate certificate authorized by the agencies last summer. The method for establishing the rate will be the same as the method employed for the former four-year, variable rate deposit. The ceiling rate on the deposit will be established monthly for new deposits received during the month. Beginning the first day of every month, a bank will be permitted to pay interest at the applicable rate described above. That ceiling rate will remain in effect for instruments issued during that month. The ceiling rate of interest established at the time of issue will not change during the period the deposit is outstanding. Banks are permitted to compound and compute interest on the new deposit category in any manner consistent with § 329.3 of FDIC's regulations (12 CFR 329.3). The average yield will be announced three business days prior to the effective date (the first day of the month) and will represent an average of the two and one-half year yields for the previous five business days. The minimum withdrawal penalty imposed will be a forfeiture of six months' interest at the rate being paid on the deposit. While the new instrument replaces the four-year, variable rate instrument, it does not replace any fixed ceiling time deposit.

Finally, FDIC has substantially modified the IRA/Keogh and public unit deposit categories. Under the modified IRA/Keogh category, banks may, as before, pay the maximum rate of interest payable on any fixed ceiling time deposit issued by any insured nonmember bank, including a mutual savings bank, on IRA and Keogh and public unit deposits. However, banks will now be permitted to pay interest on IRA and Keogh and public unit deposits at the same rate permitted thrift institutions on six months' money market time deposits and, the new two

and one-half year variable rate deposit where such funds are deposited in that category.

The terms of existing IRA/Keogh and public unit deposits to which the amendments are applicable may not be modified until their maturity.

Pursuant to its authority under Sections 9 and 18 of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1828), 12 CFR Part 329 is amended as follows:

1. Sections 329.6(b) (1), (5) and (6) are amended as follows:

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks other than mutual savings banks.¹³

(b) *Deposits of less than \$100,000.* (1) Except as provided in paragraphs (b) (2), (3), (4), (5), and (6) of this section, no insured nonmember bank shall pay interest on any time deposit of less than \$100,000 at a rate in excess of the applicable rate under the following schedule:

Maturity:	Maximum percent per annum
30 days or more, but less than 90 days	5½%
90 days or more, but less than 1 year	5%
1 year or more, but less than 30 months	6
30 months or more	6½

(5) *Variable rate time deposits of less than \$100,000.* Nonmember banks may pay interest on any nonnegotiable time deposit of \$10,000 or more with a maturity of six months (26 weeks), at a rate not to exceed the rate (auction average on a discount basis) established for the most recently issued six-month Treasury bills. Rounding such rate to the next higher rate is not permissible. Nonmember banks may not compound interest during the term of this deposit. A nonmember bank may offer this category of time deposit to all depositors. However, as to deposits entered into, or renewed after January 1, 1980, a nonmember bank may pay interest on any nonnegotiable time deposit of \$10,000 or more with a maturity of 26 weeks which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by:

- (i) The United States, any State of the United States, or any county, municipality or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof; or
- (ii) An individual pursuant to an Individual Retirement Account

¹³ * * *

agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) sections 408, 401, at a rate not to exceed the ceiling rate payable on the same category of deposit by any Federally insured mutual savings bank or savings and loan association.

(6) *Variable rate time deposits with maturities of two and one half years or more.* A nonmember bank may pay interest on any nonnegotiable time deposit of two and one half years or more that is issued on or after the first day of every month at a rate not to exceed three quarters of one percent below the average two and one-half year yield for United States Treasury securities as determined and announced by the United States Treasury three business days prior to the first day of such month. The average two and one-half year yield will be rounded by the United States Department of the Treasury to the nearest five basis points. A bank may offer this category of deposit to all depositors. However, as to deposits entered into, or renewed after January 1, 1980, a nonmember bank may pay interest on any nonnegotiable time deposit with a maturity of two and one-half years or more which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by:

(i) The United States, a State of the United States, or any county, municipality or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof; or

(ii) An individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) sections 408, 401, at a rate not to exceed the ceiling rate payable on the same category of deposit by any Federally insured mutual savings bank or savings and loan association.

* * * * *

2. Sections 329.7(b) (3) and (10) are amended as follows:

§ 329.7 Maximum rates of interest payable on deposits of insured nonmember mutual savings banks.¹⁴

* * * * *

(b) *Maximum rates payable.* * * *

(3) *Time deposits of less than \$100,000.* Except as provided in paragraphs (b) (4), (5), (6), (7), (8), and (10) of this section, no insured nonmember mutual savings bank may pay interest or dividends on any time deposit of less than \$100,000 at a rate in

¹⁴ * * *

excess of the applicable rate under the following schedule:

Maturity:	<i>Maximum percent per annum</i>
90 days or more but less than 1 year _____	6
1 year or more but less than 30 months _____	6½
30 months or more _____	6%

* * * * *

(10) *Variable rate time deposits with maturities of two and one half years or more.* A nonmember mutual savings bank may pay interest on any non-negotiable time deposit of two and one half years or more that is issued on or after the first day of every month at a rate not to exceed one half of one percent below the average two and one-half year yield for United States Treasury securities as determined and announced by the United States Treasury three business days prior to the first day of such month. The average two and one-half year yield will be rounded by the United States Department of the Treasury to the nearest five basis points. A nonmember mutual savings bank may offer this category of deposit to all depositors.

The provisions of sections 553(b) and 553(d) of the Administrative Procedure Act (5 U.S.C. 553(b) and 553(d)) were not followed in connection with the issuance of this regulation because the regulation is essentially non-restrictive, expands rights conferred by prior regulation and the public interest is best served by its immediate issuance with a January 1, 1980 effective date.

By Order of the Board of Directors.
Dated: December 14, 1979.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 79-39027 Filed 12-19-79; 8:45 am]
BILLING CODE 6714-01-M

**NATIONAL CREDIT UNION
ADMINISTRATION**

12 CFR Part 701

**Federal Credit Unions; Share Accounts
and Share Certificate Accounts**

AGENCY: National Credit Union
Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration Board has, after consulting with the Board of Governors of the Federal Reserve System, the Federal Home Loan Bank Board, the Federal Deposit Insurance Corporation, and the Department of Treasury, adopted the following amendments to

the maximum dividend rates payable by Federal credit unions:

(1) On a share certificate account, the maximum dividend rate is the greater of 7¼% (existing fixed rate) or 50 basis points (½%) below the average 2½-year yield for United States Treasury securities; and

(2) On a share certificate account which represents an investment of retirement account funds or of public unit funds, the maximum dividend rate is 8% (existing fixed rate) or 50 basis points (½%) below the average 2½-year yield for United States Treasury securities.

Further, the National Credit Union Administration has made a technical amendment to § 701.35(g)(3) to clarify existing policy that retirement account funds and public unit funds may be invested in a money market certificate or a share certificate account of \$100,000 or more.

EFFECTIVE DATE: January 1, 1980.

ADDRESS: National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: J. Leonard Skiles, Deputy General Counsel, Office of General Counsel, at the above address. Telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION: The National Credit Union Administration Board (Board) is amending its regulations governing the maximum dividend rates that may be paid on share certificate accounts. Sections 701.35(g) (2) and (3) (12 CFR 701.35(g) (2) and (3)) presently provide that Federal credit unions may pay on share certificate accounts the greater of a fixed rate (7¼% or 8%, depending on the nature of the share certificate account) or a variable rate which is structured to the average 4 year yield on United States Treasury securities. Effective January 1, 1980, Federal credit unions will be authorized to pay the greater of the same fixed rates, or 50 basis points (½%) below the average 2½-year yield on United States Treasury securities. This ceiling rate will be determined monthly and will apply to all newly issued share certificates during that month. Once issued, the ceiling rate for outstanding share certificates cannot be modified. This action compares to the new variable time deposit with a minimum maturity of 2½ years authorized for banks and savings and loan associations with a ceiling rate based on the average 2½-year yield for United States Treasury Securities in lieu of the variable time deposit currently offered and based on the average 4-year yield on United States Treasury

securities. On this new variable time deposit commercial banks are authorized a ceiling rate of 75 basis points (¾%) below the established average rate and thrifts are authorized a ceiling rate of 50 basis points (½%) below the established average rate.

This new ceiling rate will be established each month for new share certificates issued during that month. Beginning the first day of every month, Federal credit unions will be permitted to pay this new ceiling rate. The ceiling rate will remain in effect for all share certificates issued during the month. On the first day of the next month a new ceiling rate will go into effect for share certificates issued on or after that date. Federal credit unions are permitted to compound and compute interest on these share certificates in accordance with any of the methods presently authorized. The average 2½-year yield will be announced three business days prior to the effective date (the first day of the month) and will represent an average of the 2½-year yields on U.S. Treasury securities for the previous five business days.

The Board anticipates that this action will stabilize share capital flows by providing Federal credit unions with increased latitude to maximize the return on members' savings. It will enhance Federal credit unions' ability in competing for members' funds with market instruments which are not subject to interest rate limitations.

The Board has also made a technical amendment to § 701.35(g)(3) (12 CFR 701.35(g)(3)) to clarify existing policy that funds placed in IRA or Keogh accounts are not limited to the greater of 8% or the established variable ceiling rate. These funds may also qualify for the maximum dividend rates authorized for money market certificates and certificates of \$100,000 or more. The Board further amended § 701.35(g)(3) (12 CFR 701.35(g)(3)) to include public unit accounts. Banks and savings and loan associations are authorized to pay interest on any time deposit which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, a governmental unit at a ceiling rate of 8 percent. This amendment simply provides Federal credit unions similar latitude should the variable rate ever fall low enough to make 8 percent the more attractive rate. IRA and Keogh accounts and public unit accounts, therefore, are subject to the same maximum dividend rates.

The Board's decision to adopt the above discussed amendments was done after plenary discussion with the other financial regulatory agencies. It represents a further adjustment of

overall interest rate ceilings that began earlier this year. In order to facilitate the achievement of the stated objectives, that is, latitude for Federal credit unions to provide a greater return on members' savings and to stabilize share capital flows as soon as feasible, the Board finds that application of the public notice and participation provisions of 5 U.S.C. 553 to these actions are not necessary and would be contrary to the public interest. For the same reasons, the procedures set forth in the National Credit Union Administration's Final Report on Implementation of Executive Order 12044 were not followed in connection with this amendment. The official responsible for that determination is J. Leonard Skiles, Deputy General Counsel.

Rosemary Brady,
Secretary, National Credit Union
Administration Board.

December 14, 1979.

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

§ 701.35 [Amended]

Section 701.35(g) (2) and (3) is amended to read as follows:

* * * * *

(g) * * *

(2) On a share certificate account, except as otherwise provided in this subsection, that is issued on or after the first day of every month, up to the greater of 7¾% or 50 basis points (½%) below the average 2½-year yield for United States Treasury securities, as determined and announced by the United States Department of Treasury three business days prior to the first day of each month, during the month of issuance of the account;

(3) Except as otherwise provided in paragraphs (g) (4) and (5) of this subsection, on a share certificate account which represents an investment of retirement account funds pursuant to § 721.4 of this chapter or of public unit funds pursuant to § 701.32 that is issued on or after the first day of every month, up to the greater of 8% or 50 basis points (½%) below the average 2½-year yield for United States Treasury securities, as determined and announced by the United States Department of Treasury three business days prior to the first day of each month, during the month of issuance of the account;

[FR Doc. 79-39032 Filed 12-19-79; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-NW-12-AD; Amdt. 39-3638]

Airworthiness Directives; Boeing Model 737-200 (Advanced) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive to require a flap position switch setting of greater than 25° to sense the ground proximity warning (GPWS) computer to a landing configuration on all Boeing Model 737-200 (ADV) airplanes. A flap position switch setting of greater than 25° will provide ground proximity warning modes 2A and 4B, until normal landing flaps are selected, as required by TSO-C92a or TSO-C92b.

At the present time, the flap position switch is set at 15° to sense a landing configuration on many 737-200 airplanes. With the flaps set at 15°, GPWS Mode 4B is inhibited far out in the approach and not just prior to touchdown, as intended by TSO requirements. With "Mode 4B— inadvertent terrain" inhibited, the GPWS will not provide warning of inadvertent terrain closure to the flight crew. In addition to the loss of Mode 4B, Mode 2A is suppressed to Mode 2B. With Mode 2A suppressed to Mode 2B, "Mode 2—excessive terrain closure rate" warning time is significantly decreased.

EFFECTIVE DATE: December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Charles H. Mackal, Systems and Equipment Section, ANW-213, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION:

History

The ground proximity warning system (GPWS) is designed to provide required warnings to the flight crew of impending hazardous flight conditions. The required aural and visual warnings to the flight crew are automatic without input from the flight crew. Mode 1 provides warning of excessive rate of descent. Mode 2 provides warning of excessive terrain closure rate. Mode 3 provides warning of altitude loss after takeoff. Mode 4A provides warning of inadvertent proximity to the ground when the airplane landing gear has not

been lowered. Mode 4B provides warning of inadvertent proximity to the ground if the airplane flaps have not been lowered to landing position. Mode 5 provides warning of inadvertent flight below the glideslope guidance beam during the approach to land.

Landing flap position input to the GPWS computer is necessary to provide the required logic to the computer that the proximity to the ground is safe because the airplane is about to land. The approved landing flap positions for landing in the Boeing 737-200 airplane (advanced) are 15°, 30°, and 40°. However, the 15° position is normally used on approach and is only approved as a landing flap position for a very small percentage of Boeing 737-200 operations. The 25° flap position is not approved for landing in this aircraft.

At present, the GPWS computer will not provide the Mode 4B warning with a 15° flap position because it senses the airplane is ready to land when in fact it is not.

The same thing happens to the GPWS computer in Mode 2, when the computer senses that the airplane is ready to land. The result is that the Mode 2 warning time is significantly reduced and pilots may not have the time necessary to make safe flight path corrections.

This potentially unsafe condition can be corrected by changing the flap position switch to sense that the airplane is ready to land when a flap position of greater than 25° (i.e. 30° or 40°) is selected, rather than the present 15°.

Public Participation

This Amendment is based upon a Notice of Proposed Rulemaking (NPRM) (44 FR 28824, May 17, 1979). All interested persons have been given an opportunity to participate in the making of this amendment and due consideration has been given to all matters presented. Seven comments were received.

Discussion of Comments

Three of the seven commenters support the NPRM and concur with the FAA that the approach terrain at the majority of the non-precision approach airports dictates the need for the increased protection the GPWS will provide, when modified as proposed in the NPRM.

One of the commenters who did not support the NPRM submitted examples of assumed flight profiles calculated to show that the existing flap switch setting provides equivalent safety. The FAA disagrees because even small increases in warning time enhance

safety on non-precision approach landings.

Commenters concerned that the few 15° flap or even no flap landings, for whatever cause, such as an engine out, would result in nuisance warnings, are advised that a proper installation would have a "flap override" switch for use by the crew. An "all mode inhibit" switch, however, is not an acceptable alternative to a "flap override" switch.

One commenter stated that the GPWS computer may not be compatible with the greater than 25° flap switch setting. Any computer complying with the TSO-C92 design requirements should not be affected by the flap switch setting. The same commenter stated that 25% of the airports on its routes are at elevations above 3,000 feet MSL and thus eligible for landings at flaps 15° when the OAT reaches 84°F. They acknowledge that the 15° land flap setting is seldom used. The FAA estimates that the use of 15° flap for landing at such airports with OAT of 84°F could not even approach .1% of all Boeing 737-200 landings. This estimate is based on the fact that only 74 airports out of 620 air carrier airports in the continental U.S. meet the 3,000 feet MSL criteria, and the 84°F OAT occurs for short time periods only.

Another commenter thought the NPRM required changes in flap procedures, and would cause increased noise and fuel consumption. This AD will result in no changes in flap settings, and therefore, the concern over a possible increase in noise and fuel consumption is without merit.

Adoption of the Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Boeing: Applies to all Model 737-200 (advanced) airplanes with GPWS flap position switches sensing less than 30° as landing flaps, certificated in all categories. Compliance required as indicated. Accomplish the following:

Within the next 1,200 hours time-in-service or six (6) months, whichever comes first, after the effective date of this AD, change the ground proximity warning system flap position switch to sense flaps 30° and 40° as the landing flap positions, and provide a flap override switch for landings that must proceed with flap position of 25° or less. This modification may be accomplished in accordance with modifications approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, 8010 East Marginal Way South, Seattle, Washington 98108.

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

Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89).

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

Issued in Seattle, Washington, on December 10, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

[FR Doc. 79-35798 Filed 12-19-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-SO-62]

Alteration of Transition Area; Marks, Miss.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will redesignate an extension, add an extension, and correct the geographical location of the Marks RBN in Marks, Mississippi, Transition Area. This action will provide controlled airspace required to protect instrument flight operations at the Sells Airport.

EFFECTIVE DATE: March 20, 1980.

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

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

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the Federal Register on Monday, October 22, 1979 (44 FR 60750) which proposed the alteration of the Marks, Mississippi, Transition Area. This action is necessary to provide the required controlled airspace to protect aircraft executing the instrument approach procedures. No objections were received as a result of this notice.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 G.m.t., March 20, 1980, as follows:

Marks, Miss.

All after "within 3 miles" is deleted and ". . . each side of the 195° bearing from the Marks, Mississippi, RBN (latitude 34°13'53" N., longitude 90°17'25" W.), extending from the 6.5-mile radius area to 8.5 miles south of

the RBN; within 3 miles each side of the 006° bearing from the Marks, Mississippi, RBN extending from the 6.5-mile radius area to 8.5 miles north of the RBN," is substituted therefor.

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

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

Issued in East Point, Georgia, on December 13, 1979.

George R. LaCaille,
Acting Director, Southern Region.

[FR Doc. 79-38942 Filed 12-19-79; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration and Office of the Secretary

15 CFR Parts 11, 368, 370, 385, 386

Termination of the Embargo on Exports to Rhodesia

AGENCY: Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule amends 15 CFR Parts 368-399 and deletes Part 11 to reflect the lifting of the embargo on exports to Rhodesia (Zimbabwe) imposed pursuant to Executive Orders 11322 of January 5, 1967, 11419 of July 29, 1968, and 11978 of March 18, 1977. These orders were revoked by the President under Executive Order 12183 of December 16, 1979.

EFFECTIVE DATE: 12:01 AM, EST, December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. Isadore, Acting Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, Tel. (202) 377-4738.

SUPPLEMENTARY INFORMATION: These regulations are exempt from the public participation in rulemaking and delay in effective date procedures of the Administrative Procedure Act.

Furthermore, because these regulations deal with a foreign affairs function they are not subject to Department of Commerce Administrative Order 218-7 (44 FR 2082 et seq., January 9, 1979), which implement Executive Order 12044 (43 FR 12661 et seq., March 23, 1978), "Improving Government Regulations." Accordingly, these regulations are issued in final form and are effective as of 12:01 AM EST December 17, 1979. In view of the fact that this action is dictated by the decision announced in Executive Order No 12183 no formal comment period will be provided; however, interested persons are invited to submit comments on a continuing basis.

This revision shall not affect any compliance or enforcement actions, either completed, pending or to be taken in the future, or any sanctions imposed pursuant thereto, which are based on violations of any rules, regulations, orders, licenses or other forms of administrative action occurring prior to the effective date.

Accordingly:

I. The Export Administration Regulations (15 CFR Parts 368 *et seq.*) are amended as follows:

§ 368.2 [Amended]

1. Footnote 1 to § 368.2(a)(9)(i) is amended to delete the fourth and fifth paragraphs;

Part 370 [Amended]

2. Southern Rhodesia is deleted from Country Group S in Supplement No. 1 to Part 370 (thus placing it in Country Group V);

§ 385.3 [Deleted]

3. Section 385.3 is deleted and reserved;

§ 386.6 [Amended]

4. The Destination Control Statements in § 386.6(d)(2)(i)(b) and 386.6(d)(3) are amended by inserting the word "or" before "Cuba" and by deleting the phrase "or Southern Rhodesia,".

Part 11 [Deleted]

II. 15 CFR Part 11 "Prohibition of Transportation by Vessel of Commodities and Products from and to Southern Rhodesia" is deleted and reserved.

(E.O. 12183; Sec. 6 and 21, Pub. L. (96-72) to be codified at 50 U.S.C. app. 2401 *et seq.*; Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977), as amended; and Industry and Trade Administration Organization and Function

Order 45-1, dated December 4, 1977, 42 FR 64716 (1977), as amended).

Robin B. Schwartzman,
Acting Deputy Assistant Secretary for Trade Regulation.

[FR Doc. 79-38988 Filed 12-18-79; 11:59 am]
BILLING CODE 3510-25-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201

[Release Nos. 33-6165, 34-16418, IC-10979, IA-709]

Review by the Commission of Determinations at a Delegated Level

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules of practice to state that petition for review by the Commission of a decision made at a delegated level may be made by any party in accordance with 15 U.S.C. 78d-1(b), as amended.

EFFECTIVE DATE: December 20, 1979.

FOR FURTHER INFORMATION CONTACT: Larry R. LaVole, Attorney, Office of the General Counsel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-3087.

SUPPLEMENTARY INFORMATION: Section 201.26(b) of the Commission's rules of practice currently permits a "petition for review by the Commission (to) be made by any party to or intervenor in any matter in which there is a determination at a delegated level * * *" if the determination is made pursuant to certain enumerated rules under which the Commission has delegated its decision-making authority to the staff.

Section 201.26(b) was originally adopted by the Commission pursuant to 15 U.S.C. 78d-1 (76 Stat. 394 (1962)) which provides the Commission with authority to delegate certain of its functions. In 1975, 15 U.S.C. 78d-1(b) was amended to provide for review by the Commission of any determination at a delegated level where such determination "is pursuant to any provision of this chapter in a case of adjudication as defined in Section 551 of Title 5 (5 U.S.C. 551), not required by this chapter to be determined on the record after notice and opportunity for hearing * * *."

The Commission has determined that § 201.26(b) should be updated in view of the amendment to 15 U.S.C. 78d-1(b). This amendment does not attempt to define those determinations which

would constitute adjudications under 15 U.S.C. 78d-1(b), nor does it alter the procedures for petitioning for review, § 201.26(c). The Commission has also determined that § 201.26(a) of the Commission's rules of practice should be updated.

Accordingly, 17 CFR Part 201 is amended by revising paragraphs (a) and (b) of § 201.26 to read as follows:

§ 201.26 Review by the Commission of determinations at a delegated level.

(a) *Scope of rule.* This rule is applicable to determinations at a delegated level made pursuant to authority delegated in Article 30-1 *et seq.* of Subpart A of the Commission's Statement of Organization and Program Management, § 200.30-1 *et seq.* of this chapter.

(b) *Petition for review; when available.* Commission review of any matter determined at a delegated level in accordance with 15 U.S.C. 78d-1, as amended, shall be available as therein provided.

* * * * *

The Commission finds that the foregoing action relates solely to rules of agency procedure or practice and, accordingly, that notice and prior publication for comment under the Administrative Procedure Act are unnecessary. See 5 U.S.C. 553(b).

By the Commission.
George A. Fitzsimmons,
Secretary.

December 12, 1979.

[FR Doc. 79-39050 Filed 12-19-79; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2 and 4

[Docket No. RM79-36]

Regulations Governing Applications for License for Major Projects—Existing Dams; Erratum Notice

Issued: December 12, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Erratum notice.

SUMMARY: The preamble to the Commission's final regulation (Order No. 59) contains a partial sentence at 44 FR 67647, November 27, 1979 (p. 14 *mimeo.*) that is completed to read:

We believe that section is sufficiently clear and detailed and that the changes proposed by EPA therefore need not be made:

FOR FURTHER INFORMATION CONTACT: James Hoecker, Office of the General Counsel, Regulatory Development, Room 8106-A, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8161.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-39059 Filed 12-10-79; 8:45 am]
BILLING CODE 6450-01-M

18 CFR Part 284

[Docket No. RM79-75]

Certain Sales and Transportation of Natural Gas; Order on Rehearing of Order No. 46; Erratum

December 12, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Erratum Notice.

SUMMARY: This notice corrects the zip code given in § 284.6 as it was published in the Order on Rehearing of Order No. 46, Docket No. RM79-75 (44 FR 66789, November 21, 1979). The zip code is corrected to read "20426".

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8400.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-39060 Filed 12-19-79; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-79-742]

Section 8 Housing Assistance Payments Program—Fair Market Rents and Contract Rent Automatic Annual Adjustment Factors; Publication of Factors by Notice

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Interim Rule; Request for Comments.

SUMMARY: HUD is changing the publication method of the Contract Rent Automatic Annual Adjustment Factors. This list is presently referred to in Schedule C of Part 888. HUD will publish the Contract Rent Automatic

Annual Adjustment Factors as a Notice in the Federal Register. HUD will also delete the specific list of Section 8 programs which use the factor. HUD requests comments.

DATES: Effective date: February 11, 1980. Comments due: February 19, 1980.

ADDRESS: Written comments should be submitted to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Comments should be identified by the above title, docket number and date of publication. A copy of each such communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Nancy S. Chisholm, Director, Economic and Market Analysis Division, PD&R, HUD, Washington, D.C. 20410. (202) 755-4977. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The purpose of this interim rule is to amend §§ 888.201 and 888.202 to reflect the fact that the factors are used in all the Section 8 Programs and to permit the Automatic Annual Adjustment Factors to be published by Notice in the Federal Register rather than as Schedule C to Part 888.

HUD has made a Finding of Inapplicability respecting the National Environmental Policy Act of 1969 in accordance with HUD procedures. A copy of the Finding of Inapplicability is available for public inspection during regular business hours at the Office of the Rules Docket Clerk.

Accordingly, 24 CFR, Part 888, Subpart B, is amended as follows:

1. Revise § 888.201 to read as follows:

§ 888.201 Purpose.

Automatic Annual Adjustment Factors are used to adjust rents under the Section 8 Housing Assistance Payments Programs.

2. Amend the first sentence of § 888.202 to read as follows:

§ 888.202 Manner of publication.

Adjustment Factors will be published in the Federal Register at least annually by Notice. * * *

(Section 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., November 16, 1979.

Marilyn Melkonian,

Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-32354 Filed 12-19-79; 8:45 am]
BILLING CODE 4210-01-M

**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Parts 73, 74

**Reregulation of Radio and TV
Broadcasting; Correction**

AGENCY: Federal Communications
Commission.

ACTION: Correction to Final Order.

SUMMARY: In the Broadcasting Reregulation Order, FCC 79-609, published in the Federal Register on October 11, 1979, at 44 FR 58729, a typographical error showing the power tolerance maximum for TV stations as 105% is corrected to read "110%."

EFFECTIVE DATE: October 22, 1979.

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

FOR FURTHER INFORMATION CONTACT: John Reiser, Philip Cross, Steve Crane, Broadcast Bureau, (202) 632-9860.

SUPPLEMENTARY INFORMATION:
Released: December 18, 1979.

In the matter of reregulation of Radio and TV Broadcasting.

In the above-captioned Order, FCC 79-609, released October 5, 1979, and published in the Federal Register on October 11, 1979, at 44 FR 58729, a typographical error showed the power tolerance maximum for TV stations as 105% in lieu of 110%. Paragraph (c) of § 73.1560 (Appendix paragraph 35) should read as follows:

§ 73.1560 Operating power tolerance.

* * * * *

(c) *TV stations.* Except as provided in paragraph (d) of this section, the aural and visual transmitter output power of a TV station, as determined by the procedures specified in § 73.633, must be maintained as near as practicable to the authorized transmitter output powers and may not be less than 80% nor more than 110% of the authorized powers. The FCC may specify deviation from the power tolerance requirements for subscription TV operations to the extent it deems necessary to permit proper operation.

* * * * *

Federal Communications Commission.
William J. Tricarico.
Secretary.

[FR Doc. 79-39031 Filed 12-19-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Part 192

[Amdt. 192-35; Docket No. PS-52]

**Transportation of Natural and Other
Gas by Pipeline; Cathodically
Protected Transmission Lines**

AGENCY: Materials Transportation
Bureau (MTB).

ACTION: Final Rule.

SUMMARY: This amendment establishes the monitoring requirements for testing short sections of transmission pipelines on a sampling basis to determine the effectiveness of cathodic protection in controlling corrosion.

EFFECTIVE DATE: December 20, 1979.

FOR FURTHER INFORMATION CONTACT: George L. Mocharko, (202) 426-2392.

SUPPLEMENTARY INFORMATION: On August 28, 1978, MTB issued a notice of proposed rulemaking to amend the requirements contained in § 192.465 to permit the monitoring of short sections of transmission lines on a sampling basis (43 FR 39401, September 5, 1978). The deadline for comments was October 15, 1978.

Justification for this Rulemaking: Beyond the support cited in the original notice, 14 commenters responded to the notice. In summary: All commenters agreed with MTB's proposal and stated that it reflected good technical judgement since the present more stringent annual monitoring requirement for short sections of transmission lines is not warranted on a public safety basis. They also believe that the economic burden upon industry would be reduced without reducing safety.

Other significant comments and their disposition: Based on one commenter's experience of monitoring short sections of distribution pipelines, it was suggested that the monitoring frequency should be once every 10 years or one-half of the design life of the cathodic protection system, whichever is more frequent. MTB believes that the proposed sampling procedure adequately covers such cases since the preponderance of gas operators use a 20-year design life for cathodic protection systems. Furthermore, MTB believes that use of a sliding scale for monitoring based on design life would increase operator's costs relative to monitoring and create compliance and recordkeeping problems resulting from subjective personal opinions of the operators and enforcement officials as to what date tests must be made. MTB

wished to emphasize; however, that if the sampling method is used, the operator must assure that the design life of the cathodic protection system is not less than the period of sampling.

One commenter stated that MTB's proposed wording does not make it clear that "short sections" would include "hot spot" protection on bare transmission lines. The final regulation applies to pipelines that are separately protected by the "hot spot" method.

Beyond the scope of the notice: One commenter proposed wording that would permit service lines of any length to be monitored on a sampling basis.

One commenter proposed that for transmission lines, MTB should define short sections as 500 feet in Class 1 and 2 locations.

No further Technical Pipeline Safety Standards Committee (TPSSC) consideration is needed, since the TPSSC recommended that the Office of Pipeline Safety Regulation institute rulemaking action concerning this specific amendment at its January 1978 meeting.

MTB has determined that this amendment would not result in a major economic impact (\$100 million or greater) under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034). Also, MTB has determined that this amendment does not require a full Final Regulatory Evaluation under those procedures because the amendment establishes an equivalent safety requirement and imposes no added compliance burdens and, therefore, has a minimal cost impact upon the industry. In fact, it could result in an estimated cost savings of \$1 million per year to the industry.

MTB has made the effective date immediate upon publication so that operators can take advantage of the economic relief provided by the amendment.

Based on the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended as follows:

By revising § 192.465(a) to read:

§ 192.465 External corrosion control: Monitoring.

(a) Each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of § 192.463. However, if tests at those intervals are impractical for separately protected sections of pipeline not in excess of 100 feet, these pipeline sections may be surveyed on a sampling basis. At least 10 percent of these separately protected sections,

distributed over the entire system, must be surveyed each calendar year with a different 10 percent checked each subsequent year, so that all separately protected pipeline sections are tested in each 10-year period.

(49 U.S.C. 1672; 18 U.S.C. 1804 for offshore gathering lines; 49 CFR 1.53, Appendix A of Part 1)

Issued in Washington, D.C., on December 13, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 79-38872 Filed 12-19-79; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 78-08; Notice 2]

Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration, (DOT).

ACTION: Final rule.

SUMMARY: This notice amends Motor Vehicle Safety Standard No. 108 to increase the maximum permissible candlepower for single compartment taillamps while extending requirements for contrast between stop (signaling) and tail (marking) functions at test points below the horizontal. This action is taken in response to a petition for rulemaking from industry. The effect of the increase will be to relieve a burden on manufacturers who must monitor production closely to insure continuing compliance of existing lamp designs with the existing limitation.

EFFECTIVE DATES: The amendment is effective immediately but compliance with the contrast requirements is not mandatory until July 1, 1980.

FOR FURTHER INFORMATION CONTACT: Marx Elliott, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. (202-426-2720).

SUPPLEMENTARY INFORMATION: A limit of 15 candlepower on photometric output at test points on or above the horizontal is imposed on single compartment taillamps by 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*. The intent of this limitation is to eliminate the possibility of excessive glare, and to insure that the ratio between stop lamps and taillamp output offers sufficient contrast that the

stop function can be readily identified when it is actuated.

On February 18, 1977, Truck Safety Equipment Institute (TSEI) petitioned for rulemaking to amend Standard No. 108 to increase the permissible maximum output of single compartment taillamps to 18 candlepower. This figure is derived from SAE Recommended Practice J256a Service Performance Requirements for Motor Vehicle Lighting Devices and Components, June 1972, which permits taillamp output to be 120 percent of the maximum value specified in SAE Standard J585d, Tail Lamps (Rear Position Light) August 1970. The reason for TSEI's request is that the 15 candlepower limitation has become "an unnecessary burden on manufacturers who must attempt to monitor their productions in an attempt to insure a strict compliance with this maximum output". TSEI argued that an increase would have no detrimental effect upon safety because there has been no limitation on candlepower output below the horizontal and it was reasonable to assume that there must be countless driving situations every day "where the following driver is exposed to lamp candlepower outputs from approximately 15 cp to 22 cp" without any evidence of hazardous driving conditions because of glare. The basis of the petition, therefore, was that a restriction should be relaxed for economic reasons, and that the relaxation will have a neutral effect upon safety. The NHTSA granted TSEI's petition for rulemaking and proposed that the maximum output of single compartment taillamps be raised to 18 candlepower, and that the current ratio of candlepower output by stop and taillamps in combination lamps be maintained at test points above the horizontal and extended to test points below the horizontal to minimize problems of glare. NHTSA proposed the extension of the ratio to test points below the horizontal to provide protection equivalent to that at points above the horizontal. Standard No. 108 allows combination stop and taillamps to be mounted as high as 72 inches above the road surface while in today's passenger cars the driver's eye point is much lower, only 38 inches to 48 inches above the road surface.

A notice of proposed rulemaking was published on this subject on May 4, 1978 (43 FR 19250), and an opportunity afforded for comment.

Twenty-seven comments were submitted on the proposal. There was one objection to the increase in candlepower, and two to extension of

contrast ratios. All other comments supported it.

An important suggestion made was that NHTSA adopt SAE Standard J585e, September 1977 as the referenced standard on taillamps since the SAE revision encompassed both of NHTSA's proposals. NHTSA concurred with this recommendation and is amending the standard in this fashion. J585e is otherwise identical to J585d except for the addition of a final sentence to Note 4 which prescribes an alternative way for computing the candlepower ratio for combination lamps when certain conditions are met.

The Japanese Automotive Manufacturers Ass'n. Inc. (JAMA), objected to the extension of the contrast ratio, principally because of its effect upon the motorcycle industry. In JAMA's opinion there is no need for the requirement to cover motorcycles as lamps are not mounted at a height greater than 38 inches. NHTSA does not concur with this comment. The amendment will insure that there is no confusion when the driver's eye reference point is lower than the average 38 to 48 inches above the road surface. This situation could occur when a motorcycle is on a hill in front of the driver of another vehicle. The mandatory compliance date of the requirement, July 1, 1980, should afford sufficient time for tooling of new lamps if needed.

Chrysler Corporation commented that it saw no need to adopt intensity ratio requirements for the test points below horizontal since photometric requirements for tail and stop lamps are the same, whether above or below horizontal. While the requirements are the same, the values prescribed are minimal and a manufacturer may establish its own values above the minimum level. NHTSA has concluded that the amendment would assure that the ratio now required above the horizontal would also be maintained below. It would also avoid use of the wrong replacement lamps or lens.

California Highway Patrol suggested that test point 5 D-V should be added to those at which not less than a 5 to 1 ratio is required. The NHTSA cannot add it at this time since it was not part of the rulemaking proposal, but consideration will be given to it in future rulemaking.

American Motors Corporation supported the proposal but commented that the 120 percent value specified in J256a should apply to all taillamps and not just single compartment designs. This suggestion is beyond the scope of the proposal and NHTSA will consider it in future rulemaking.

Dry Launch suggested an increase from 15 to 20 and 25 candela. This suggestion was also considered beyond the scope of the proposal. Those values are permitted for two and three compartment lamps because the light sources are distributed, and NHTSA does not believe that excessive glare should be risked by increasing the maximum from 18 to 20 or 25 candela for single compartment lamps.

The proposal was objected to by G. F. Meese in whose opinion the upper limit should be 10 candela because excessive brightness irritates following drivers. The NHTSA did not agree with this comment. There appear to be instances in which the upper limit of 10 candela, which is being proposed by Mr. Meese, has been exceeded, and there is no indication that this causes any hazardous driving conditions because of glare.

In consideration of the foregoing 49 CFR 571.108, Motor Vehicle Safety Standard No. 108 is amended as follows:

1. Paragraph S4.1.1.28 is revised to read:

S4.1.1.28 Each taillamp on any motor vehicle manufactured before June 1, 1980 may be designed to conform to SAE Standard J585d, Tail Lamps, August 1970.

2. Table I and Table III are amended so that the applicable SAE Standard for taillamps in the final column of each Table is "J585e, September 1977."

In accordance with Department of Transportation policy encouraging adequate analysis of the cost and other consequences of regulatory actions (41 FR 16201, April 16, 1976), the NHTSA has evaluated the economic and other consequences of this amendment on the public and private sectors and has concluded that there is no cost increase required by an allowance of an increase in candle power in single compartment taillamps. While there should be no increase associated with maintenance of contrast ratios at test points below the horizontal in combined lamp configurations, the NHTSA requested comments on this factor and received none.

The program official and lawyer responsible for the development of this proposal are Marx Elliott and Taylor Vinson, respectively.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on December 13, 1979.

Joan Claybrook,
Administrator.

[FR Doc. 79-38916 Filed 12-19-79; 8:45 am]
BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1112

[Ex Parte No. 260 (Sub-No. 1)]

Revised Regulations Governing Officers

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: We are amending 49 CFR 1112.9 to permit officers or directors to hold positions with more than one carrier if the carriers were commonly controlled as the result of a transaction which the Commission exempted from its authority under 49 U.S.C. 10505. Because railroads may be commonly controlled through the use of our exemption power, it is appropriate to expand the exemption of 49 CFR 1112.9. We have stated that applications and individual orders of authorization to hold interlocking positions with carriers in a lawfully established system cast an unnecessary and expensive paperwork load on the carriers involved and our staff.

DATES: This amendment of 49 CFR 1112.9 shall be effective on December 20, 1979.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Advance approval from the Commission is required for a person to serve as an officer or director of more than one common carrier under 49 U.S.C. 11322(a). However, where carriers are under common control through either Commission approval granted under 49 U.S.C. 11344 or were jointly controlled before June 16, 1933, the Commission need not approve a person holding a position as an officer or director with more than one of these carriers.

The Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210 (4R Act), gave the Commission the power to exempt certain transactions. This power is found in 49 U.S.C. 10505. The Commission has used this power to exempt the common control of two carriers which were geographically unconnected. (See Finance Docket No. 29022), *Southwest Forest Industries, Inc. and SW Gulf Coast, Inc.-Control-The Atlanta & St. Andrews Bay Railway Company* (not printed) decided August 21, 1979. Because railroads may be commonly controlled through the use of our exemption power, it is appropriate to expand the exemption of 49 CFR 1112.9. We have stated that applications and

individual orders of authorization to hold interlocking positions with carriers in a lawfully established system cast an unnecessary and expensive paperwork load on the carriers involved and our staff. We know of no current regulatory purpose being served by this process. *Revised Regulations Governing Officers*, 336 I.C.C. 679, 683. (1970).

We will amend our regulations by redesignating 49 CFR 1112.9(b) as paragraph (c), and inserting a new paragraph (b) which will read as follows:

§ 1112.9 [Amended]

* * * * *

(b) Pursuant to an exemption authorized by the Commission under 49 U.S.C. 10505, or

* * * * *

This notice is issued under the authority of 5 U.S.C. 552, 553(b),* and 559 and 49 U.S.C. 11322(a).

For good cause found notice and public procedures on this rule-making is unnecessary.

This is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

Dated: December 5, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Chairman O'Neal absent and not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-39072 Filed 12-19-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Opening of Kirwin National Wildlife Refuge, Kans., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to sport fishing on the

* Notice or hearing is not required by 49 U.S.C. 11322(a). Notice and public proceedings on this proposal are unnecessary because similar exemptions were favorably commented on before enactment of 49 U.S.C. 10505. See *Id.* above. Pursuant to 5 U.S.C. 553: Rulemaking—(b)—Except when notice or hearing is required by statute, this subsection does not apply * * * (b) when the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest:

Kirwin National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1 through December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Keith S. Hansen, Kirwin, Kansas 67644. Telephone: 913/646-2373.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established.

In addition, the Refuge Recreation Act requires (1) that no area of the refuge system is used for forms of recreation not directly related to the primary purposes for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the Kirwin National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

Sport fishing on the Kirwin National Wildlife Refuge, Kansas, is permitted from January 1 through December 31, 1980, inclusive, on all areas not designated by signs as closed to fishing. These open areas, comprising 5,000 acres, are delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Area Manager, Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, MO 64116. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1980. The public is invited

to offer suggestions and comments at any time.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: December 13, 1979.

Keith S. Hansen,
Refuge Manager.

[FR Doc. 79-39045 Filed 12-19-79; 8:45 am]
BILLING CODE 4310-55-M

50 CFR Part 33

Sport Fishing; National Wildlife Refuges in Colorado, Utah, and Wyoming

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening of certain National Wildlife Refuges to sport fishing in Colorado, Utah, and Wyoming is compatible with the objectives for which the areas were established, will utilize a natural resource, and will provide additional recreational opportunity to the public. The name of each affected refuge and the special regulations for each refuge are set forth below.

EFFECTIVE DATES: See the dates listed for each refuge under Supplementary Information below.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below.

Robert H. Shields, Area Manager, U.S. Fish and Wildlife Service, 1311 Federal Building, Salt Lake City, UT 84138. Telephone: 801-524-5630.

Eugene C. Patten, Refuge Manager, Arapaho/Pathfinder National Wildlife Refuge, P.O. Box 457, Walden, CO 80480. Telephone: 303-723-4717.

James A. Creasy, Refuge Manager, Browns Park National Wildlife Refuge, Maybell, CO 81640. Telephone: 303-365-3695.

Ned I. Peabody, Refuge Manager, Bear River Migratory Bird Refuge, P.O. Box 459, Brigham City, UT 84302. Telephone: 801-744-2488.

Herb G. Troester, Refuge Manager, Ouray National Wildlife Refuge, 447 East Main Street, Suite 4, Vernal, UT 84078. Telephone: 801-789-0351.

SUPPLEMENTARY INFORMATION:

General

Sport fishing on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Special conditions applying to

individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

The provisions of this special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

The Refuge Recreation Act of 1962 (16 U.S.C. 160k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition the Refuge Recreation Act requires that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 33.5 Special regulations; sport fishing; for individuals wildlife refuge areas.

Colorado

Arapaho National Wildlife Refuge

Effective Dates: January 1 through May 31 inclusive and August 1 through December 31, 1980 inclusive.

Sport fishing is permitted on the Arapaho National Wildlife Refuge, Colorado only on areas designated by signs as being open to fishing. Information may be obtained from the refuge office and from the Office of the Area Manager, U.S. Fish and Wildlife Service, 1311 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

Browns Park National Wildlife Refuge

Effective Dates: January 1 through February 29, inclusive and June 16 through December 31, 1980 inclusive.

Sport fishing is permitted on the Browns Park National Wildlife Refuge, Colorado, only on the areas designated by signs as being open to fishing. These

open areas, Beaver Creek and the Green River, comprise 1,000 acres. Information may be obtained from the refuge office and from the Office of the Area Manager, U.S. Fish and Wildlife Service, 1311 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

Utah

Bear River Migratory Bird Refuge

Effective Dates: January 1 through December 31, 1980 inclusive.

Sport fishing is permitted on the Bear River Migratory Bird Refuge, Utah, only on the areas designated by signs as being open to fishing. These areas comprising 10 acres are delineated on maps available at the refuge headquarters and from the Office of the Area Manager, Fish and Wildlife Service, 1311 Federal Building, Salt Lake City, UT 84138. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

- (1) The use of boats is prohibited below the river control gate at refuge headquarters.
- (2) Fishermen are required to register at the refuge office upon entering the refuge.

Ourray National Wildlife Refuge

Effective Dates: January 1 through December 31, 1980 inclusive.

Sport fishing on the Ourray National Wildlife Refuge, Utah, is permitted in the Green River only. The Green River comprises 360 acres within the refuge. Information may be obtained from the refuge office and from the Office of the Area Manager, U.S. Fish and Wildlife Service, 1311 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

Wyoming

Pathfinder National Wildlife Refuge

Effective Dates: January 1 through December 31, 1980 inclusive.

Sport fishing is permitted on all areas of the Pathfinder National Wildlife Refuge, Wyoming. These areas comprising 16,807 acres are delineated on maps available at the refuge headquarters and from the Office of the Area Manager, 1311 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

The provisions of these special regulations, supplement the regulations which govern sport fishing in wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

Note.—The U.S. Fish and Wildlife Service has determined that the document does not

contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: December 14, 1979.

John A. Gill,

Acting Area Manager, Area 5.

[FR Doc. 79-39028 Filed 12-19-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 33

Sport Fishing; Opening of Seney National Wildlife Refuge, Michigan, to Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to fishing of Seney National Wildlife Refuge, Michigan, is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Effective December 20, 1979 for duration of season noted below for Seney National Wildlife Refuge.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

John Popowski, Area Manager, U.S. Fish and Wildlife Service, 1405 S. Harrison Rd., Room 202, East Lansing, Michigan 48823. Telephone (517) 372-1910 ex 208.

John R. Frye, Refuge Manager, Seney National Wildlife Refuge, Seney, MI 49883. Telephone (800) 588-9851.

SUPPLEMENTARY INFORMATION: Fishing on portions of the Seney National Wildlife Refuge shall be in accordance with all applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of the refuge which is open to fishing are designated by signs and/or delineated on maps. Special conditions apply to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (address listed above).

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the

primary purpose for which the area was established and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 33.5 Special regulations, sport fishing (1980).

Michigan

Seney National Wildlife Refuge

Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

1. Stream and ditches, open only during the regular State trout fishing season are:

- a. Driggs River from Highway M-28 south to the Division Ditch.
- b. Walsh Creek and Ditch from Highway M-28 south to C-3 Pool.
- c. Creighton River—entire length through refuge.

2. Manistique River, entire length through refuge, open from January 1, 1980 through December 31, 1980.

3. Pools are open to fishing, daylight hours only as follows:

- a. All Pools—January 1, 1980 through February 29, 1980.
- b. Show Pools (located west of Highway M-77 one-half mile north of the Headquarters entrance road) from Memorial Day (May 28, 1980) through Labor Day (September 1, 1980).
- c. C-3 Pool—July 1, 1980 through Labor Day (September 1, 1980).

4. Night fishing, boats and the use of minnows for bait are prohibited except on the Creighton and Manistique Rivers.

5. Snowmobiles, All-Terrain Vehicles or motorized bikes are not permitted on the refuge.

Dated: December 13, 1979.

Richard O. Winters,
Acting Area Manager.

[FR Doc. 79-39064 Filed 12-19-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 33

Sport Fishing; Opening of Certain National Wildlife Refuges to Sport Fishing; Maryland, Virginia, and North Carolina

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

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges in Maryland, Virginia and North Carolina is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1, 1980 through December 31, 1980.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of Special Regulations.

FOR FURTHER INFORMATION CONTACT: Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158 (617-965-5100 Ext. 200).

SUPPLEMENTARY INFORMATION: Sport fishing is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR 33 and the following Special Regulations. Portions of refuges which are open to sport fishing are designated by signs and/or shown on maps available from the addresses indicated below and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the

Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Sport fishing shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the following areas: Chincoteague National Wildlife Refuge, Box 62, Chincoteague, Virginia 23336. Contact J. C. Appel, Refuge Manager, at 804-336-6122. Special conditions: Sport fishing, crabbing, and clamming (shellfishing) is permitted on areas designated by signs as open. Open areas: (a) Surf fishing—the entire beach including Tom's Cove is open except as posted; (b) Other fishing is permitted from banks of impoundments and saltwater areas adjacent to the beach access road in the area known as Swan Cove and Tom's Cove and from other portions of the refuge including bay side waters as posted; (c) Shellfishing (clams, oysters, mussels, whelks, etc.)—the area between high and low tide marks in Tom's Cove, except as posted closed; (d) Crabbing—from the banks of impoundments and saltwater areas adjacent to the beach access road in the area known as Swan Cove and Tom's Cove and from other areas including bay side waters as posted. Commercial fishing operations or methods are not permitted. A permit is required for fishing from 10:00 PM to 4:00 AM during the period April 1 through November 30 and from one-half hour after sunset to one-half hour before sunrise during the period December 1 through March 31. At least one member of the fishing party must be actively engaged in fishing at all times. Open fires and sleeping are not permitted. No permit is required at other times.

Blackwater National Wildlife Refuge, RFD #1, Box 121, Cambridge, Maryland 21613. Contact John Schroer, Refuge Manager, at 301-228-2677. Special conditions: Sport fishing and crabbing is permitted during daylight hours on areas designated by signs from April 15 through October 15, 1980. Boat launching from refuge lands is not permitted. The use of airboats is prohibited. All fish and crab lines must be attended. No set tackle may be used.

Mackay Island National Wildlife Refuge, Knotts Island, North Carolina, under administration of Back Bay National Wildlife Refuge, Pembroke #2 Building, South 218, 287 Pembroke Office Park, Virginia Beach, Virginia 23462.

Contact Glen Bond, Refuge Manager, at 804-490-0505. Special conditions: Sport fishing is permitted during daylight hours on the areas designated by signs as open. Corey's Ditch and the canal adjacent to the Knotts Island Causeway are open year round to bank fishing only. The remainder of the refuge areas are open from March 15 to October 14, 1980. There is no horsepower limitation on outboard motors used for boat fishing. Airboats are prohibited.

Dismal Swamp National Wildlife Refuge, 680B Carolina Road, Suffolk, Virginia 23434. Contact Ralph Keel, Refuge Manager, at 804-539-7479. Special conditions: Boat fishing is permitted during daylight hours in Lake Drummond. Public access is limited to boats entering Lake Drummond from the Feeder Ditch on the east side of the lake. Commercial fishing operations or methods are not permitted. Fishing will be with hand held line or rod and reel.

Prime Hook National Wildlife Refuge, R.D. #1, Box 195, Milton, Delaware 19968, under administration of Bombay Hook National Wildlife Refuge. Contact George O'Shea, Assistant Refuge Manager, at 302-684-8419. Special conditions: Pond fishing in boats propelled by electric motors or manually are permitted on Fleetwood or Turkle Ponds. Those portions of these ponds having wood duck nesting boxes are closed to public entry from March 1 through June 30, 1980. Boats may be launched from designated access points, or public roads. Bank fishing and crabbing is permitted only at designated access points and public road rights-of-way.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

The Department of the Interior has 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.

Howard N. Larsen,
Regional Director, U.S. Fish and Wildlife Service.

December 11, 1979.

[FR Doc. 79-33063 Filed 12-19-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 33**Opening of Certain National Wildlife Refuges to Sport Fishing: New York, New Jersey, and Pennsylvania**

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

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges in New York, New Jersey and Pennsylvania is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1, 1980 through December 31, 1980.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of Special Regulations.

FOR FURTHER INFORMATION CONTACT: Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158 (617-965-5100 Ext. 200).

SUPPLEMENTARY INFORMATION: Sport fishing is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR 33 and the following Special Regulations. Portions of refuges which are open to sport fishing are designated by signs and/or shown on maps available from the addresses indicated below and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the

Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Sport fishing shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the following areas: Erie National Wildlife Refuge, RD 2, Box 191, Guys Mills, Pennsylvania 16327. Contact William McCoy, Refuge Manager, at 814-789-3585. Special conditions: Refuge areas designated by signs are open to fishing during daylight hours. Boats are permitted in Lake Creek above Sugar Lake and boats without motors are permitted above the Pool 9 dike where designated by signs. Fishing in Pools 9 and K is permitted from the second Saturday in June to September 15 only. Pools 9 and K will be open to ice fishing at the discretion of the refuge manager. Daily ice fishing permits must be secured at refuge headquarters.

Iroquois National Wildlife Refuge, RFD 1, Basom, New York 14013. Contact Edwin H. Chandler, Refuge Manager, at 716-948-9154. Special conditions: Refuge areas designated by signs are open to fishing during daylight hours only. All areas, except the Feeder Canal and Oak Orchard Creek, are closed to fishing from March 1 through July 14, 1980, and from October 1 through November 30, 1980. Ice fishing will be permitted only on Ringneck, Schoolhouse and Center Marshes. Ice fishing will only be permitted during the period December 15 through the last day of February. No boats or other flotation devices will be permitted, except that boats without motors may be used on Oak Orchard Creek from Knowlesville Road to a wire two miles westward. Firearms are not permitted in boats March 1 through September 30, 1980. With the exception of ice fishing, fishing on refuge impoundments will be limited to posted areas on dikes and roads. No wading or swimming is permitted. Leaving boats, structures, or other equipment overnight on the refuge is not permitted.

Montezuma National Wildlife Refuge, RD 1, Box 1411, Seneca Falls, New York 13148. Contact Gene Hocutt, Refuge Manager, at 315-568-5987. Special conditions: Sport fishing in state waters is permitted from the refuge at locations designated by signs.

Brigantine National Wildlife Refuge, Great Creek Road, P.O. Box 72, Oceanville, New Jersey 08231. Contact Gaylord Inman, Refuge Manager, at 609-

652-1665. Special conditions: Saltwater sport fishing is permitted from the beach on Holgate Peninsula and Little Beach Island, except from those areas posted as closed. Saltwater sport fishing from the auto tour route is prohibited.

Freshwater sport fishing from the South Dike of the William Vogt Pool is permitted during daylight hours from July 20 through September 21, 1980. The possession of fish or minnows for use as bait is not permitted. Freshwater fishermen may park at the headquarters and South Tower parking areas only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

The Department of the Interior has 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.

Howard N. Larsen,
Regional Director, U.S. Fish and Wildlife Service.

December 11, 1979.

FR Doc. 79-30069 Filed 12-19-79; 8:45 am)

BILLING CODE 4310-55-M

50 CFR Part 33**Opening of Certain National Wildlife Refuges to Sport Fishing: Massachusetts, Maine, and Vermont**

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

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges in Massachusetts, Maine, and Vermont is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1, 1980 through December 31, 1980.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of Special Regulations.

FOR FURTHER INFORMATION CONTACT: Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158 (617-965-5100 Ext. 200).

SUPPLEMENTARY INFORMATION: Sport fishing is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR 33 and the

following Special Regulations. Portions of refuges which are open to sport fishing are designated by signs and/or shown on maps available from the addresses indicated below and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Sport fishing shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the following areas: Great Meadows National Wildlife Refuge, Weir Hill Road, Sudbury, Massachusetts 01776. Contact David Beall, Refuge Manager, at 617-443-4661. Special conditions: Sport fishing is permitted during daylight hours along the Concord River, Sudbury River, Harvard Pond and ponds in the West Bedford area. Foot access for this purpose is permitted.

Monomoy National Wildlife Refuge, Chatham, Massachusetts, under administration of Great Meadows National Wildlife Refuge, Weir Hill Road, Sudbury, Massachusetts 01776. Contact David Beall, Refuge Manager at 617-443-4661. Special conditions: Sport fishing in tidal and fresh waters is permitted 24 hours per day from refuge lands. Boats may be beached on refuge and wilderness areas.

Oxbow National Wildlife Refuge, Harvard, Massachusetts, under administration of Great Meadows

National Wildlife Refuge, Weir Hill Road, Sudbury, Massachusetts 01776. Contact David Beall, Refuge Manager, at 617-443-4661. Special conditions: Sport fishing is permitted during daylight hours along the Nashua River. Foot access for this purpose is permitted.

Parker River National Wildlife Refuge, Northern Boulevard, Newburyport, Massachusetts 01950. Contact George Gavutis, Refuge Manager, at 617-465-5753. Special conditions: Saltwater sport fishing is permitted only on the ocean beach as follows:

Walk-in Fishermen:

Entire year: Day only, no permit required.
May 1 through October 31: Day and night.
Night permit required.

Over-the-sand surf fishing vehicles:

May 1 through October 31 only, permit required.

May 1 through May 22, day and night.

May 23 through September 1, night (8:00 PM to 8:00 AM) only.

No vehicle shall be operated on the beach between the hours of 8:00 AM to 6:00 PM. During these hours all permit vehicles shall remain in the designated over-the-sand fishing vehicle parking area in the unvegetated area between the dunes at the east end of Beach Access Trail #2 or exit from the beach area. This same designated daytime parking area must, however, be vacated by 8:00 PM each evening not to be reoccupied before 6:00 AM the next morning.

September 2 through October 31, day and night.

No fishing is permitted on the northern one-quarter mile of beach east of Lot 1 from 8:00 AM to 6:00 PM.

Permit requirements are as follows: Night permittees may enter the refuge only until dusk except they may enter until 10:00 PM from May 23 through September 1. Night permittees may remain on the refuge, or may exit through a one-way gate at any time. Vehicles with the special permit may be on the ocean beach only when the occupants over 12 years old are actively engaged in surf fishing and each have at least one fishing rod. Permission to inspect vehicle, sanitary facilities, and all fishing equipment must be granted to refuge agents upon request. Vehicles with sleeping compartment interiors not visible for inspection are prohibited from all refuge lots between 8:00 PM and 6:00 AM. All vehicle permits must be affixed to the vehicles as instructed at the time of issuance. Motorcycles, or any vehicle deemed improper by refuge agents, may not receive the permit. "Light Truck" type traction treads designed primarily for use in snow and mud are not permitted. Over-the-sand surf fishing vehicles must be equipped with spare tire, shovel, jack, tow rope, or

chain, board or similar support for jack, and low-pressure tire gauge. Vehicles, under the terms of an over-the-sand surf fishing permit, may drive only on designated beach access routes and on the unvegetated beach east of the line formed by the eastern base of the dunes. The maximum speed limit in these areas is 15 miles per hour. No vehicle is permitted on the northern one-quarter mile of beach east of Lot 1 at any time. Ruts or holes resulting from freeing a stuck vehicle shall be promptly filled in by the operator. Tires must be properly deflated to permit sufficient flotation while vehicle is operated over sand. Riding on fenders, tailgates, roof, or any other position outside of the vehicle is prohibited. Failure to comply with any regulation shall be grounds for immediate cancellation of all permits.

Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619. Contact Douglas Mullen, Refuge Manager, at 207-454-3521. Special conditions: Sport fishing is permitted during daylight hours on areas designated by signs as open. The use of boats without motors is permitted on Bearce, Conic and Cranberry Lakes.

Missisquoi National Wildlife Refuge, Swanton, Vermont 05488. Contact Thomas Mountain, Refuge Manager, at 802-868-4781. Special conditions: Sport fishing is permitted in Lake Champlain, and the Missisquoi River from refuge lands. The use of firearms to take fish is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

The Department of the Interior has 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.

Howard N. Larsen,

Regional Director U.S. Fish and Wildlife Service.

December 11, 1979.

[FR Doc. 79-39067 Filed 12-19-79; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register

Vol. 44, No. 246

Thursday, December 20, 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.

JAPAN-UNITED STATES ECONOMIC RELATIONS GROUP

1 CFR Part 490

Privacy Act of 1974; Proposed Regulations for Implementation

AGENCY: Japan-United States Economic Relations Group.

ACTION: Proposed rule.

SUMMARY: The following proposed regulations drafted in accordance with section (f) of 5 U.S.C. 552a, the Privacy Act of 1974, are hereby offered for public comment. The purposes of these regulations are to establish procedures by which an individual can determine if the Group maintains a system of records¹ which included a record pertaining to that individual and also to establish procedures for individual access to the records for purposes of review, amendment and/or correction.

DATE: Comments are due on or before January 21, 1980.

ADDRESS: Send comments to the Executive Director, Japan-United States Economic Relations Group, 11 Dupont Circle, N.W., Suite 802, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Jack B. Button, (202) 673-6157.

Signed this 10th day of December 1979.

Jack B. Button,

Executive Director.

It is proposed to add the following Part 490 to Title 1 of the CFR.

PART 490—PRIVACY ACT IMPLEMENTATION

Sec.

490.1 Purpose and scope.

490.2 Definitions.

¹ For the systems of records maintained by the Japan-U.S. Economic Relations Group, see the "Notices" section of this issue of the Federal Register.

Sec.

490.3 Procedures for requests pertaining to individual records in a records system.

490.4 Times, places, and requirements for the identification of the individual making a request.

490.5 Disclosure of requested information to the individual.

490.6 Request for correction or amendment to the record.

490.7 Agency review of request for correction or amendment of the record.

490.8 Appeal of an initial adverse agency determination of correction or amendment of the record.

490.9 Disclosure of record to a person other than the individual to whom the record pertains.

490.10 Fees.

Authority: 5 U.S.C. 552a; Pub. L. 93-579.

§ 490.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Japan-United States Economic Relations Group hereafter known as the Group maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 490.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Group, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number.

(d) The term "system of records" means a group of any records under control of the Group from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 490.3 Procedures for requests pertaining to individual records in a records system.

An individual shall submit a request to the Director of Administrative and Fiscal Services to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a request to the Executive Director of the Group which states the individual's desire to review his or her record.

§ 490.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Director of Administrative and Fiscal Services of the Group pursuant to § 490.3 shall present the request at the Group offices, 11 Dupont Circle, NW., Suite 802, Washington, D.C. 20036, on any business day between the hours of 9 a.m. and 5:30 p.m. The individual submitting the request should present himself or herself at the Group's offices with a form of identification which will permit the Group to verify that the individual is the same individual as contained in the record requested.

§ 490.5 Disclosure of requested information to the individual.

Upon verification of identity the Group shall disclose to the individual the information contained in the record which pertains to that individual.

§ 490.6 Request for correction or amendment to the record.

The individual should submit a request to the Director of Administrative and Fiscal Services which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with provisions of § 490.4.

§ 490.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Director of Administrative and Fiscal Services will acknowledge in

writing such receipt and promptly either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) inform the individual of his or her refusal to correct or to amend the record in accordance with the request, and the procedures established by the Group for the individual to request a review of that refusal.

§ 490.8 Appeal of an initial adverse agency determination of correction or amendment of the record.

An individual who disagrees with the refusal of the Director of Administrative and Fiscal Services to correct or to amend his or her record may submit a request for a review of such refusal to the Executive Director, Japan-United States Economic Relations Group, 11 Dupont Circle, NW., Suite 802, Washington, D.C. 20036. The Executive Director will, not later than thirty working days from the date on which the individual request such review, complete such review and make final determination unless, for good cause shown, the Executive Director extends such thirty day period. If, after his or her review, the Executive Director also refuses to correct or to amend the record in accordance with the request, the individual may file with the Group a concise statement setting forth the reasons for his or her disagreement with the refusal of the Group and may seek judicial review of the Executive Director's determination under 5 U.S.C. 552a(g)(1)(A).

§ 490.9 Disclosure of record to a person other than the individual to whom the record pertains.

The Group will not disclose a record to any individual other than the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure has been listed as a "routine use" in the Group's notices of its systems of records, or falls within one of the special disclosure situations listed in the Privacy Act of 1974 (5 U.S.C. 552a(b)).

§ 490.10 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for review of the record, in advance of receipt of the pages.

[FR Doc. 79-38910 Filed 12-19-79; 8:45 am]

BILLING CODE 6820-AT-M

**FEDERAL RESERVE SYSTEM
12 CFR Chapter II**

[Docket No. R-0265]

Policy Statement for Assessing Financial Factors in the Formation of Small One-Bank Holding Companies Pursuant to the Bank Holding Company Act

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed policy statement.

SUMMARY: In the interest of helping to maintain the safety and soundness of the banking system and, in particular, of small community banks, as well as to improve the transferability of ownership of such institutions and facilitate local ownership of these banks, the Federal Reserve Board is proposing for public comment a policy statement for assessing financial factors in the formation of small one-bank holding companies.

DATE: Comments must be received on or before January 31, 1980.

ADDRESS: Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All materials submitted should include the Docket Number R-0265.

FOR FURTHER INFORMATION: James I. Garner, Division of Banking Supervision and Regulation (202-452-2415), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Policy Statement of the Board of Governors of the Federal Reserve System for Assessing Financial Factors in the Formation of Small One-Bank Holding Companies Pursuant to the Bank Holding Company Act

In acting on applications filed under the Bank Holding Company Act, the Board has adopted, and continues to follow, the cardinal principle that bank holding companies should serve as a source of strength for their subsidiary banks. When bank holding companies incur debt and rely upon the earnings of their subsidiary banks as the means of repaying such debt, a question arises as to the probable effect upon the financial condition of the company and its subsidiary bank or banks. Incurring debt under these circumstances is of particular concern when the debt proceeds are used for acquisitions rather than for internal purposes such as meeting the capital needs of a subsidiary bank.

The Board believes that a high level of acquisition debt impairs the ability of a bank holding company to come to the aid of its subsidiary bank in times of

need and in some cases the servicing requirements on such debt may be a drain on the bank's resources. For these reasons, the Board has not favored the use of acquisition debt in bank holding company formations. Nevertheless, the Board has recognized that the transfer of ownership of small community banks and the maintenance of local ownership in those banks often requires the use of acquisition debt. The Board, therefore, has permitted the formation of small one-bank holding companies with debt levels higher than would be permitted for larger or multi-bank holding companies. Approval of these applications has been given on the condition that the small one-bank holding companies demonstrate the ability to service the acquisition debt without straining the capital of their subsidiary bank and, further, that such companies restore their ability to serve as a source of strength for their subsidiary bank within a relatively short period of time.

The Board continues to subscribe to these principles. In the interest of furthering its policy of encouraging local transfer and ownership of banks in the one-bank holding company format, without diluting bank safety and soundness, the Board has reexamined the analytical frame-work and the criteria it applies when considering small one-bank holding company formations. To these ends, it proposes certain revisions in its procedures and standards described below.

The proposed criteria shift the focus from debt repayment contained in existing criteria to the relationship between debt and equity at the parent holding company. The holding company would have the option of improving the relationship of debt to equity by either repaying the principal amount of its debt or through the retention of earnings. Under these procedures, newly organized small one-bank holding companies would be expected to reduce the relationship of their debt to equity over a reasonable period of time to a level comparable to that maintained by many large and multi-bank holding companies.

In general, this policy is intended to apply only to one-bank holding companies that do not have significant leveraged nonbank activities and whose subsidiary bank would have total assets of approximately \$100 million or less at the time the application is filed.

The proposed criteria are as follows:

General. In evaluating applications filed pursuant to Section 3(a)(1) of the Bank Holding Company Act, as amended, where the applicant intends to incur debt to finance the acquisition of a

small bank, the Board will take into account a full range of financial and other information, including the recent trend and stability of earnings of the bank; the past and prospective growth of the bank; the quality of the bank's assets; the ability of the applicant to meet debt servicing requirements without placing an undue strain on the bank's resources; and the record and competency of management of the applicant and the bank. In addition, the Board will use the following criteria in assessing acquisition debt:

(1) *Minimum Down Payment.* The amount of acquisition debt should not exceed 75 percent of the purchase price of the bank to be acquired.

(2) *Maintenance of Adequate Capital.* An applicant proposing to use acquisition debt must demonstrate to the satisfaction of the Board that any debt servicing requirements to which the bank holding company may be subject would not cause the bank's ratio of gross capital to assets to fall below 8.0 percent during the 12-year period following consummation of the acquisition.¹ Gross capital is defined as the sum of total stockholders' equity, the allowance for possible loan losses and subordinated capital notes and debentures.

(3) *Reduction in Parent Company Leverage.* The applicant must demonstrate to the satisfaction of the Board that the holding company's ratio of debt to equity would decline to 30 percent within 12 years after consummation of the acquisition.

The term "debt",² as used in the ratio of debt to equity, means any borrowed funds (exclusive of short-term borrowings which arise out of current transactions, the proceeds of which have been or are to be used for current transactions), and any securities issued by, or obligations of, the holding company that are the functional equivalent of long-term debt.

The term "equity",² as used in the ratio of debt to equity, means the total stockholders' equity of the bank holding company adjusted to reflected the

¹The applicant will be required to submit projected financial statements covering the 12-year period for the bank holding company (parent only) and the bank to be acquired. Such financial statements may be condensed but should identify principal groups of balance sheet and income statement items.

²Redeemable preferred stock will be treated as equity if, by its terms, it is not redeemable until after the ratio of debt to equity at the holding company is below 30 percent and would remain at 30 percent or less subsequent to the redemption. If the preferred stock is redeemable under other conditions, it will normally be treated as the functional equivalent of debt. Preferred stock that is convertible into common stock of the holding company will be treated as equity.

periodic amortization of "goodwill" (i.e., the excess of cost of any acquired company over the sum of the amounts assigned to identifiable assets acquired less liabilities assumed) in accordance with generally accepted accounting principles. In determining the total amount of stockholders' equity, the bank holding company should account for its investments in the common stock of subsidiaries by the equity method of accounting.

(4) *Dividend Restrictions.* The bank holding company is not expected to pay any corporate dividends until such time as its debt to equity ratio is below 30 percent.

Board of Governors of the Federal Reserve System, December 13, 1979.

Theodore E. Allison,
Secretary of the Board.

[FR Doc. 79-38970 Filed 12-19-79; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-GL-15-AD]

Airworthiness Directives; Hamill Manufacturing Company TSO-C22f Seat Belt Assembly Models GA-4 and GA-5

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require the removal from service within the next 120 days of the GA-4 and GA-5 safety belt assemblies manufactured by Hamill Manufacturing Company and marked as meeting the standards of FAA TSO-C22f.

The proposed AD is needed since it was determined that the criteria of TSO-C22f and previously accepted deviation criteria for push-button release mechanisms are not met by these safety belt assemblies. The high release forces required to release the latch mechanism under certain conditions are considered unsatisfactory.

DATES: Comments must be received on or before January 21, 1980.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket (AGL-7) Docket No. 79-GL-15-AD, 2300 East Devon Avenue, Des Plaines, IL 60018.

FOR FURTHER INFORMATION CONTACT: Mr. Terry Fahr, Engineering and Manufacturing Branch, Flight Standards Division, AGL-212, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone: (312) 694-4500, extension 424.

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

The FAA has determined that the above identified Hamill Manufacturing Company safety belt assemblies do not meet the requirements of TSO-C22f or acceptable deviation criteria for push-button release mechanisms. This latter criteria requires that the release force under a 250 pound load be no greater than 8 pounds on the push-button and under no conditions should the release force be less than 2.5 pounds on the push-button. Since this condition exists in the other safety belts of the noted models, the proposed AD would require that these safety belts be removed from service.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Hamill Manufacturing Company. Applies to Model GA-4 and GA-5 safety belt assemblies marked as meeting the standards of FAA TSO-C22F. These safety belts are installed in, but not limited to, the following aircraft operated by General Motors Corporation and Firestone Tire and Rubber Company: Grumman American 1159, Rockwell International NA265, Convair 580 and Hawker Siddeley DH125.

These safety belts can no longer be considered to meet the standards proscribed by FAA TSO-C22f and the approved special criteria for push-button release mechanisms which requires the push-button release force to be between 2.5 and 8 pounds when using

the loading conditions specified in FAA TSO-C22F [section 4.3.2.2 of NAS 802].

Within 120 days from the effective date of this AD, these safety belts shall not be used in type certificated aircraft.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85).

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Mr. Terry Fahr, Engineering and Manufacturing Branch, Flight Standards Division, AGL-212, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-4500, extension 424.

Issued in Des Plaines, Illinois on November 30, 1979.

James M. Dermody,

Director, Great Lakes Region.

[FR Doc. 79-33785 Filed 12-19-79; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1214

Space Transportation System

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed Rule.

SUMMARY: This proposed amendment of Subparts 1214.1 and 1214.2 updates the existing regulations in order for users to plan more effectively their use of the Space Transportation System (STS) and for NASA to charge the users properly for STS services.

DATE: Comments or suggestions should be submitted in writing not later than February 19, 1980.

ADDRESS: Comments may be mailed to the Office of Space Transportation System Operations, NASA Headquarters, Washington, DC 20546 or delivered to Room 425, 600 Independence Avenue, Washington, DC between 8:00 a.m. and 4:30 p.m. Comments received may also be inspected at Room 425 between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Jon M. Smith, Office of Space Transportation System Operations, National Aeronautics and Space

Administration, Washington, DC 20546, (202-755-2344).

SUPPLEMENTARY INFORMATION: This proposed amendment clarifies and changes existing STS policies in several respects. The more significant amendments are the definition of standard mission orbits; the deletion of certain launch options; and the provision of clarified and changed standards for the calculation and payment of earnest money. It gives users the right to cancel services if there is a NASA delay beyond a specified point and gives to all users the right to apportion and assign STS services under certain conditions. It also provides launch scheduling procedures and emphasizes the NASA Administrator's discretion to provide STS services.

(Sec. 203, Pub. L. 85-568, 72 Stat. 429, as amended (42 U.S.C. 2473); sec. 201(b), Pub. L. 87-624, 78 Stat. 421 (47 U.S.C. 721(b)))

1. Subpart 1214.1 Table of Contents is revised to read as follows:

Subpart 1214.1—Reimbursement for Shuttle Services Provided to Non-U.S. Government Users

Sec.

1214.100 Scope.
1214.101 Definitions.
1214.102 Reimbursement policy.
1214.103 Apportionment and assignment of services.
1214.104 Scheduling.
1214.105 Reflight guarantee.
1214.106 Patent and data rights.
1214.107 Revisit and/or retrieval services.
1214.108 Damage to payload.
1214.109 Provision of STS services.
1214.110 Responsibilities.

Appendix A—Costs for which NASA shall be reimbursed.

Appendix B—Standard Shuttle services.

Appendix C—Optional Shuttle services.

Appendix D—Shared flight charge and graph.

Appendix E—Occupancy fee schedule.

2. § 1214.101 is revised to read as follows:

§ 1214.101 Definitions.

(a) For the purpose of this Subpart, the term "Non-U.S. Government Users" means:

(1) Private persons or private organizations of the United States, including its territories, the District of Columbia, Panama Canal Zone, and Puerto Rico.

(2) Public organizations of the United States that are not part of the Government of the United States.

(3) Foreign governments or private persons and private or public organizations of foreign countries, except for the government of Canada and governments of the European Space Agency (ESA) member or observer

nations participating in Spacelab development when conducting experimental science or experimental applications missions, with no near-term commercial implications, undertaken on behalf of government agencies. The NASA Administrator shall determine the missions which qualify for this exception.

(4) International organizations, except the ESA when conducting experimental science or experimental applications missions with no near-term commercial implications.

(5) Other U.S. government agencies, Canadian government agencies and the ESA, requesting Shuttle services from NASA in connection with launch and other services being performed by such agencies for users listed in paragraphs (a) (1) through (4) of this section.

(b) For the purpose of this Subpart, the term "standard mission orbits" means:

(1) With respect to dedicated flights:

(i) Launch from Kennedy Space Center (KSC) into the user's choice of two standard mission orbits: 160 NM circular orbit, 28.5° inclination (nominal), or 160 NM circular orbit, 57° inclination (nominal).

(ii) Launch time selected by NASA from a launch window of not less than five minutes (a more restrictive launch window may be provided as an optional service).

(2) With respect to shared flights to the standard mission orbit of 160 NM circular orbit, 28.5° inclination (nominal):

(i) Launch from KSC.

(ii) A launch time selected by NASA from either of two launch windows, one near noon and one near midnight, Greenwich Mean Time (GMT). (NASA shall publish a schedule of nominal launch windows as a function of time of year).

(iii) For those payloads for which NASA has received both earnest money and an STS Form 100 prior to publication of this amendment, the total width of the launch windows shall be approximately twenty minutes. For all other payloads, the total width of the launch windows shall be approximately two hours.

(3) With respect to shared flights to the standard mission orbit of 160 NM circular orbit, 57° inclination, with certain NASA-determined launch constraints: The nominal launch window and launch time will be determined by NASA in consultation with the users.

§ 1214.102 [Amended]

3. § 1214.102(b)(2)(iv) is deleted and reserved.

4. § 1214.102(b)(2)(vi) is revised to read as follows:

(vi) The prices of optional Shuttle services are being developed and shall be set forth in a published Space Transportation System Reimbursement Guide. A summary of the optional services is set forth in Appendix C to this subpart.

5. § 1214.102(b)(2)(viii) is deleted and reserved.

6. § 1214.102(c)(2) is revised to read as follows:

(2) A 20% discount on the standard flight price will be given to shared flight users who will fly at the convenience of NASA on a space-available (standby) basis within a prenegotiated period of one year.

7. § 1214.102(c)(3) is deleted and reserved.

8. § 1214.102(d) is revised to read as follows:

(d) *Small self-contained payloads.* Shuttle services may be provided to a user for small (200 pounds or less and 5 cubic feet or less) scientific, research and development payloads, flown on a space-available basis in a NASA-supplied container.

9. § 1214.102(e)(1) is revised to read as follows:

(1) Fixed price options for flights in a given year beyond the three-year fixed price period may be made available by NASA. These fixed price options, when offered, will be negotiated separately with the user.

10. § 1214.102(e)(3) is deleted and reserved.

11. § 1214.102(g) is revised to read as follows:

(g) *Earnest money.* (1) Earnest money will be paid to NASA prior to launch agreement negotiations. The earnest money required shall be \$100,000; however, if the payload is a small self-contained payload, the earnest money shall be \$500. The earnest money shall be applied to the first payment made by the user, or shall be retained by NASA if a Launch Services agreement is not signed.

(2) Users requesting changes to submitted requirements due to changes in payload design or for the purposes of adding new payloads may be required to make an additional earnest money payment.

12. § 1214.102(i) is amended by adding a new paragraph (9) reading as follows:

(9) The short-term call-up option will be made available at the discretion of the NASA Administrator and is dependent upon the ability of the flight schedule to support such an option. Users are therefore encouraged to include future payloads in their early flight requests and/or design future

payloads for on-orbit storage rather than expect to be able to successfully obtain a short-term call-up option.

13. § 1214.102(1) is amended by adding a new paragraph (4) reading as follows:

(4) The user may cancel with no fees under this paragraph if NASA delays a launch, excluding delays for reasons beyond NASA's control, for a period of nine months or more beyond the following:

(i) The firm launch date (or planned launched date if no firm launch date has been established) of a nonstandby payload.

(ii) The end of the prenegotiated one-year period for a standby payload.

§ 1214.107 Redesignated as § 1214.110

14. Subpart 1214.1 is amended by redesignating § 1214.107 as § 1214.110.

§§ 1214.103-1214.106 Redesignated as §§ 1214.105-1214.108

15. Subpart 1214.1 is amended by redesignating §§ 1214.103 through 1214.106 as §§ 1214.105 through 1214.108.

16. Subpart 1214.1 is amended by adding new §§ 1214.103, 1214.104, and 1214.109 reading as follows:

§ 1214.103 *Apportionment and assignment of services.*

(a) Subject to NASA approval, a user may apportion and assign STS services to third parties within the user's payload. No apportionment and assignment of STS services may take place outside the user's payload.

(b) Integration of apportioned/assigned payload elements within the user's payload is the responsibility of the user. Any NASA assistance in such integration shall be provided as an optional service.

(c) Users intending to apportion and assign services shall designate the maximum amount of services desired at the time the Launch Services Agreement is signed. Actual required services shall be designated not later than the time a firm launch date is established.

(d) If more than one pricing policy (e.g., Subpart 1214.1, Subpart 1214.2) applies to components of an apportioned/assigned payload, the appropriate use fees shall be computed separately for each component according to the applicable policy.

§ 1214.104 *Scheduling.*

(a) *Establishment of launch-related dates prior to the signing of a Launch Services Agreement.* (1) No scheduling commitments shall be made prior to the establishment of a booking date.

(2) The user's booking date shall be defined to be the date, on or after the payment of earnest money but prior to the signing of a Launch Services

Agreement, of NASA's receipt of (i) the user's request for a desired launch date, or (ii) the user's request for a change in the desired launch date.

(3) As soon as practical after establishment of the user's booking date, NASA, in consultation with the user, shall establish the following:

(i) Tentative launch date.

(ii) Date for initiation of progress payments.

(iii) Date for signing of the Launch Services Agreement.

(b) *Protection of booking dates and tentative launch dates prior to signing of a Launch Services Agreement.* NASA shall protect the user's booking date and tentative launch date as long as the user's obligations to meet the progress payments and Launch Service Agreement signing dates are met.

(c) *Launch and delivery scheduling.*

(1) *Dedicated flights.* At the time the Launch Service Agreement is signed, NASA and the user shall establish a planned launch date which marks the beginning of a 90-day period. Approximately one year prior to launch, a firm launch date and a payload delivery date shall be established. The firm launch date will be within the first 60 days of the original 90-day period. Launch will occur on the firm launch date or within a period of 30 days thereafter.

(2) *Shared nonstandby flights.* (i) *Flights to the standard mission orbit.* At the time the Launch Service Agreement is signed, NASA and the user shall establish a planned launch date which marks the beginning of a 90-day period. Approximately one year prior to launch, a firm launch date and a payload delivery date will be coordinated among all users on the shared flight. The firm launch date will be within the first 30 days of the 90-day period. Launch will occur on the firm launch date or within a period of 60 days thereafter.

(ii) *Flights to nonstandard orbits.* Prior to the signing of the Launch Services Agreement, NASA and the user shall negotiate the price and schedule for the flight based on NASA's forecast ability to manifest other payloads compatible with the user's mission destination and schedule.

(3) *Shared standby flights.* (i) Standby flights are offered only to shared flight users.

(ii) *Flights to the standard mission orbit.* NASA will provide launch services within a prenegotiated period of one year.

(iii) *Flights to nonstandard orbits.* NASA may accept standby payloads for flights to nonstandard orbits. If NASA accepts such a payload the period within which launch services shall be

provided shall be established by NASA prior to the signing of the Launch Services Agreement.

(iv) The user shall make provisions to deliver a standby payload to the launch site to support a launch on the first day of the prenegotiated period and shall sustain that capability throughout the one-year period. NASA will assign the payload to a Shuttle flight and will notify the user of the firm launch date and the required date for delivery of the payload to the launch site not less than sixty calendar days prior to the payload delivery date. Launch will occur on the firm launch date or within a period of 60 days thereafter.

(d) *Scheduling priorities.* NASA shall use its best efforts to meet scheduling commitments pursuant to this policy and the United States Policy Governing the Provision of Launch Assistance of October 9, 1972. Should events arise which require rescheduling of payloads, NASA shall, in consultation with all affected users, attempt to meet the needs of users in an equitable manner. In doing so, NASA shall be guided by, but not constrained to, the following priority list:

(1) Payloads urgently required for the U.S. national defense or national security.

(2) Significant experimental or exploratory scientific payloads which have critical launch opportunities or payloads critical to the establishment or functioning of the STS.

§ 1214.109 Provision of STS services.

NASA shall provide, solely at its discretion, STS services to the extent consistent with United States' obligations, law, policy, and capability.

Appendix B [Amended]

17. Subpart 1214.1 is amended by revising the first service listed in Appendix B, which reads:

"Two standard mission destination:

(1) 160 NM Altitude; 28.5° Inclination.

(2) 160 NM Altitude; 56° Inclination."

to read "Launch of the Shuttle into the defined standard mission orbit."

Appendix C [Amended]

18. Subpart 1214.1 is amended by revising the last service listed in Appendix C, which reads:

"Two standard mission destinations are available from the Western Test Range site:

(1) 160 MN Altitude; 90.0° inclination.

(2) 160 NM Altitude; 104.0° inclination.

to read: "Standard mission orbits from the Western Test Range are not available. Mission orbits will be negotiated individually with users requesting a launch from the Western

Test Range and users will share any costs incurred."

Appendix D [Amended]

19. Subpart 1214.1, Appendix D, Figure 1, is amended by revising Shuttle Capability to show an inclination of 57° vice 56°.

20. Subpart 1214.2 Table of Contents is revised to read as follows:

Subpart 1214.2—Reimbursement for shuttle services provided to civil U.S. Government users and foreign users who have made substantial investment in the STS program

Sec.

1214.200 Scope.

1214.201 Definitions.

1214.202 Reimbursement policy.

1214.203 Apportionment and assignment of services.

1214.204 Scheduling.

1214.205 Reflight guarantee.

1214.206 Patent and data rights.

1214.207 Revisit and/or retrieval services.

1214.208 Damage to payload.

1214.209 Provision of STS services.

1214.210 Responsibilities.

Appendix A—Costs for which NASA shall be reimbursed.

Appendix B—Occupancy fee schedule.

21. § 1214.201 is revised to read as follows:

§ 1214.201 Definitions.

(a) For the purpose of this Subpart, the term "users" means:

(1) All civil U.S. Government agencies who request Shuttle services from NASA, and

(2) Foreign users who have made substantial investment in the STS program, i.e., European Space Agency (ESA), ESA member or observer nations participating in Spacelab development, and Canada, when conducting experimental science or experimental applications missions with no near-term commercial implications.

(b) For the purpose of this Subpart, the term "standard mission orbits" means:

(1) With respect to dedicated flights:

(i) Launch from Kennedy Space Center (KSC) into the user's choice of two standard mission orbits: 160 NM circular orbit, 28.5° inclination (nominal), or 160 NM circular orbit, 57° inclination (nominal).

(2) With respect to shared flights to the standard mission orbit of 160 NM circular orbit, 28.5° inclination (nominal):

(i) Launch from KSC.

(ii) A launch time selected by NASA from either of two launch windows, one near noon and one near midnight, Greenwich Mean Time (GMT). (NASA shall publish a schedule of nominal launch windows as a function of time of year).

(iii) For those payloads for which NASA has received earnest money or a letter of intent (as applicable) and an STS Form 100 prior to publication of this amendment, the total width of the launch windows shall be approximately twenty minutes. For all other payloads, the total width of the launch window shall be approximately two hours.

(3) With respect to shared flights to the standard mission orbit of 160 NM circular orbit, 57° inclination, with certain NASA-determined launch constraints. The nominal launch window and launch time will be determined by NASA in consultation with the users.

§ 1214.202 [Amended]

22. § 1214.202(b) (2)(iv) is deleted and reserved.

23. § 1214.202(b) (2)(vi) is revised to read as follows:

(iv) The prices of optional Shuttle services are being developed and shall be set forth in a published Space Transportation System Reimbursement Guide. A summary of the optional service is set forth in Appendix C to Subpart 1214.1.

24. § 1214.202(b) (2)(viii) is revised and reserved.

25. § 1214.202(c) (2) is revised to read as follows:

(2) A 20% discount on the standard flight price will be given to shared flight users who will fly at the convenience of NASA on a space-available (standby) basis within a prenegotiated period of one year.

26. § 1214.202(c) (3) is revised and reserved.

27. § 1214.202(d) is revised to read as follows:

(d) *Small self-contained payloads.* Shuttle services may be provided to a user for small (200 pounds or less and 5 cubic feet or less) scientific, research and development payloads, flown on a space-available basis in a NASA-supplied container.

28. § 1214.202(e) is revised and reserved.

29. § 1214.202(g) is revised to read as follows:

(g) *Earnest money.* (1) Earnest money will be paid to NASA by ESA and ESA member or observer nations participating in Spacelab development and government agencies of Canada prior to launch agreement negotiations. The earnest money required per contract shall be \$100,000; however, if the payload is a small self-contained payload, the earnest money shall be \$500. The earnest money shall be applied to the first payment made by the user, or shall be retained by NASA if a Launch Service Agreement is not signed.

(2) Users requesting changes to submitted requirements due to changes in payload design or for the purposes of adding new payloads may be required to make an additional earnest money payment.

30. § 1214.202(i) is amended by adding a new paragraph (4) reading as follows:

(4) The short-term call-up option will be made available at the direction of the NASA Administrator and is dependent upon the ability of the flight schedule to support such an option. Users are therefore encouraged to include future payloads in their early flight requests and/or design future payloads for on-orbit storage rather than expect to be able to successfully obtain a short-term call-up option.

31. § 1214.202(l) is amended by adding a new paragraph (4) reading as follows:

(4) The user may cancel with no fees under this paragraph if NASA delays a launch, excluding delays for reasons beyond NASA's control, for a period of nine months or more beyond the following:

(i) The firm launch date (or planned launch date if no firm launch date has been established) of a nonstandby payload.

(ii) The end of the prenegotiated one-year period for a standby payload.

§ 1214.207 Redesignated as § 1214.210.

32. Subpart 1214.2 is amended by redesignating § 1214.207 as § 1214.210.

§ 1214.203-1214.206 Redesignated as §§ 1214.205-1214.208.

33. Subpart 1214.2 is amended by redesignating §§ 1214.203 through 1214.206 as §§ 1214.205 through 1214.208.

34. Subpart 1214.2 is amended by adding new §§ 1214.203, 1214.204, and 1214.209 reading as follows:

§ 1214.203 Apportionment and assignment of services.

(a) Subject to NASA approval, a user may apportion and assign STS services to third parties within the user's payload. No apportionment and assignment of STS services may take place outside the user's payload.

(b) Integration of apportioned/assigned payload elements within the user's payload is the responsibility of the user. Any NASA assistance in such integration shall be provided as an optional service.

(c) Users intending to apportion and assign services shall designate the maximum amount of services desired at the time the Launch Services Agreement is signed. Actual required services shall be designated not later than the time a firm launch date is established.

(d) If more than one pricing policy (e.g., Subpart 1214.1, Subpart 1214.2)

applies to components of an apportioned/assigned payload, the appropriate use fees shall be computed separately for each component according to the applicable policy.

§ 1214.204 Scheduling.

(a) *Establishment of launch-related dates prior to the signing of a Launch Services Agreement.* (1) No scheduling commitments shall be made prior to receipt of an official launch request and/or payment of earnest money as applicable, in accordance with § 1214.202(g).

(2) The user's booking date shall be defined to be the date, on or after payment of earnest money or submission of a letter of intent (as applicable), of NASA's receipt of (i) the user's request for a desired launch date, or (ii) the user's request for a change in the desired launch date.

(3) As soon as practical after establishment of the user's booking date, NASA, in consultation with the user, shall establish the following:

(i) Tentative launch date.

(ii) Date for initiation of progress payments.

(iii) Date for signing of the Launch Services Agreement.

(b) *Protection of booking dates and tentative launch dates prior to signing of a Launch Services Agreement.* NASA shall protect the user's booking date and tentative launch date as long as the user's obligations to meet the progress payments and Launch Services Agreement signing dates are met.

(c) *Launch and delivery scheduling.*

(1) *Dedicated flights.* At the time the Launch Service Agreement is signed, NASA and the user shall establish a planned launch date which marks the beginning of a 90-day period. Approximately one year prior to launch, a firm launch date and a payload delivery date shall be established. The firm launch date will be within the first 60 days of the original 90-day period. Launch will occur on the firm launch date or within a period of 30 days thereafter.

(2) *Shared nonstandby flights.* (i) Flight to the standard mission orbit. At the time the Launch Service Agreement is signed, NASA and the user shall establish a planned launch date which marks the beginning of a 90-day period. Approximately one year prior to launch, firm launch date and a payload delivery date will be coordinated among all users on the shared flight. The firm launch date will be within the first 30 days of the 90-day period. Launch will occur on the firm launch date or within a period of 60 days thereafter.

(ii) Flights to nonstandard orbits. Prior to the signing of the Launch Services Agreement, NASA and the user shall negotiate, as an optional service, the price and schedule for the flight based on NASA's forecast ability to manifest other payloads compatible with the user's minimum destination and schedule.

(3) *Shared standby flights.* (i) Standby flights are offered only to shared flight users.

(ii) Flights to the standard mission orbit. NASA will provide launch services within a prenegotiated period of one year.

(iii) Flights to nonstandard orbits. NASA may accept standby payloads for flights to nonstandard orbit. If NASA accepts such a payload, the duration of the period within which launch services shall be provided shall be established by NASA prior to the signing of the Launch Services Agreement.

(iv) The user shall make provisions to deliver a standby payload to the launch site to support a launch on the first day of the prenegotiated period and shall sustain that capability throughout the one-year period. NASA will assign the payload to a Shuttle flight and will notify the user of the firm launch date and the required date for delivery of the payload to the launch site not less than sixty calendar days prior to the required payload delivery date. Launch will occur on the firm launch date or within a period of 60 days thereafter.

(d) *Scheduling priorities.* NASA shall use its best efforts to meet scheduling commitments pursuant to this policy and the United States Policy Governing the Provision of Launch Assistance of October 9, 1972. Should events arise which require rescheduling of payloads, NASA shall, in consultation with all affected users, attempt to meet the needs of users in an equitable manner. In doing so, NASA shall be guided by, but not constrained to, the following priority list:

(1) Payloads urgently required for the U.S. national defense or national security.

(2) Significant experimental or exploratory scientific payloads which have critical launch opportunities or payloads critical to the establishment of functioning of the STS.

§ 1214.209 Provision of STS services.

NASA shall provide, solely at its discretion, STS services to the extent

consistent with United States' obligations, law, policy, and capability.

Robert A. Frosch,
Administrator.

December 13, 1979.

[FR Doc. 79-39008 Filed 12-19-79; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 239, 240 and 249

[Release Nos. 33-6167, 34-16420, IC-10981
File No. S7-815]

Filing and Disclosure Requirements Relating to Beneficial Ownership

AGENCY: Securities and Exchange Commission.

ACTION: Publication of inquiries to be considered in connection with preparation of a report to Congress

SUMMARY: The Commission is requesting comment in connection with the preparation of a report which is required to be submitted to Congress in June of 1980. The report will address the effectiveness of reporting requirements relating to disclosure of the beneficial ownership of equity securities contained in the Securities Exchange Act of 1934 and the desirability and feasibility of reducing or otherwise modifying the five percent reporting threshold in sections 13(d)(1) and 13(g)(1) of that Act.

DATE: Comments must be received on or before February 15, 1980.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-815. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: John Granda or Scott Cooper (202-272-2589), Office of Disclosure Policy, Division of Corporate Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Section 13(h) of the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq. (1976 and Supp. I 1977)) requires the Commission to submit a report to Congress in June of 1980. The report is required to address the effectiveness of the requirements imposed by the Exchange Act for the reporting of beneficial ownership of certain equity

securities as well as the desirability and feasibility of reducing or otherwise modifying the 5 percent reporting threshold used in sections 13(d)(1) and 13(g)(1) of that Act. In addressing these matters, the Commission is required to give appropriate consideration to nine criteria specified in the statute which are discussed below.

In connection with the preparation of the report, the Commission is seeking the benefit of public comment with respect to the inquiries set forth below. In order to facilitate understanding of the issues presented by these inquiries, a brief overview of the applicable reporting requirements follows. However, attention is directed to the requirements themselves for a more complete understanding.

L Overview of Reporting Requirements

A. Sections 13(d) and 13(g)

Section 13(d) was added to the Exchange Act in 1968 as part of the Williams Act amendments.¹ Section 13(d) requires any person who acquires the direct or indirect beneficial ownership of more than five percent of a class of equity securities described in that section to send to the issuer and each exchange where the security is traded and to file with the Commission a statement containing specified information within ten days after such acquisition. The legislative history of that section indicates that it was intended to provide information to the public and the issuer with respect to the rapid accumulation of equity securities by persons who would have the ability to change of influence control.² By providing information to investors with respect to potential changes in or influences upon the control of an issuer, the market could appropriately adjust its evaluation of the issuer's worth.

Because section 13(d) attempts to deal with the more limited concern of rapid shifts in control, acquisitions unrelated to that purpose were exempted therefrom. Thus, persons who acquire not more than 2 percent of a class of securities within a 12-month period are exempted by section 13(d)(6)(B) from disclosing their ownership. In addition, persons who acquired their ownership prior to the enactment of the 5-percent threshold on December 22, 1970 (Pub. L. 91-567) are not subject to section 13(d) since section 13(d) is keyed to making an "acquisition" of the requisite amount

¹Pub. L. 90-439 (July 29, 1968).

²S. Rep. No. 550, 90th Cong., 1st Sess. 7 (1967); H.R. Rep. No. 1711, 90th Cong., 2d Sess. 8 (1968); and Hearings on S. 510 before the Subcom. on Securities of the Senate Com. on Banking and Currency, 90th Cong., 1st Sess. (1967).

of securities. An acquisition of securities through a stock-for-stock exchange which is registered under the Securities Act of 1933 ("Securities Act") [15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 24, 1975)] is exempted by section 13(d)(6)(A) because Congress apparently believed, at that time, that shareholders of the subject issuer would, through the receipt of the required prospectus, receive all the material facts necessary to make an informed decision whether to hold their stock or exchange it for the stock of the company making the exchange offer.³

In June 1975 Congress enacted section 12(m) of the Exchange Act which directed the Commission to conduct a study and investigation of the practice of recording the ownership of securities in the records of the issuer in other than the name of the beneficial owner, commonly referred to as "nominee"⁴ and "street"⁵ name registration, to determine whether the practice is consistent with, *inter alia*, the purpose of section 13(d). In its final report to Congress on December 3, 1976 (Street Name Study),⁶ the Commission concluded that the practice limits the amount of information readily available to the public regarding beneficial owners of substantial amounts of an issuer's securities and therefore may not provide the disclosure contemplated by Congress.⁷ In particular, the Commission noted the gaps in section 13(d), discussed above, which permit persons whose ownership exceeds five percent to avoid reporting such ownership.⁸ The Commission therefore recommended that a comprehensive system for disclosure of ownership interests be established and requested legislation to require ownership reports from those persons owning beneficially more than 5 percent of an issuer's securities who were not then required to report under the Exchange Act.⁹

³See S. Rep. No. 550, 90th Cong., 1st Sess. 3 (1967); H.R. Rep. No. 1711, 90th Cong.

⁴Nominee name registration refers to arrangements used by institutional investors and financial intermediaries for the registration of securities held by them for their own account or for the account of their customers who are the beneficial owners of the securities.

⁵Street name registration, a specialized type of nominee registration, refers to the practice of a broker registering in its name, or in the name of its nominee, securities left with it by customers or held by it for its own account.

⁶Final Report of the Securities and Exchange Commission on the Practice of Recording the Ownership of Securities in the Records of the Issuer in Other Than the Name of the Beneficial Owner of Such Securities, 94th Cong., 2d Sess. (Comm. Print 1976) (hereinafter the "Street Name Study").

⁷*Id.* at 5.

⁸*Id.* at 48.

⁹*Id.* at 52.

The Commission's recommendation was implemented by the enactment of the Domestic and Foreign Investment Improved Disclosure Act of 1977 (Title II of Pub. L. 95-213) which, among other things, added Section 13(g) to the Exchange Act. Section 13(g)(1) requires any person who is directly or indirectly the beneficial owner of more than 5 percent of a class of equity securities specified in section 13(d)(1) of the Exchange Act to send to the issuer and file with the Commission a statement setting forth, in such form and at such time as the Commission may, by rule, prescribe: such person's identity, residence, citizenship, the number and description of the shares in which such person has an interest and the nature of such interest.

Taken literally, section 13(g)(1) would require the filing of a report even though a report containing similar ownership information was also required under other sections of the Exchange Act. Section 13(g)(5), however, directs the Commission to take such steps as are necessary and appropriate in the public interest and for the protection of investors to achieve centralized reporting of the information, to avoid unnecessary duplicative reporting, and to minimize the compliance burden on persons required to report. Moreover, the legislative history is clear that section 13(g) was intended to "supplement the current statutory scheme by providing legislative authority for certain additional disclosure requirements that in some cases could not be imposed administratively."¹⁰ The principal effect of section 13(g), therefore, is to provide the authority necessary to close the gaps previously described in the disclosure requirements under Section 13(d).¹¹

By adding a separate subsection to the Exchange Act rather than eliminating the exceptions to section 13(d) and by making the disclosure requirements under section 13(g) less extensive than those under section 13(d), Congress was able to establish a comprehensive system for reporting large accumulations of stock ownership while at the same time minimizing the compliance burden on persons whose interests had not been acquired rapidly. It is important to note, however, that, unlike the limited Congressional purpose underlying section 13(d), reasons in addition to the protection of investors were advanced in support of establishing this comprehensive reporting system through the adoption of section 13(g). Most significantly, the legislative history is

replete with references to the need for such information by Congress, the executive branch and Federal agencies upon which to base reasoned public policy, especially with regard to foreign investment in American companies.¹²

B. Regulation 13D-G

The rules implementing sections 13(d) and 13(g) are set forth in Regulation 13D-G. That Regulation establishes specific filing and disclosure requirements and provides standards for determining what constitutes an "acquisition" and "beneficial ownership" for purposes of these provisions.

Any person who is a beneficial owner of more than five percent of a class of equity securities is required by Rule 13d-1 to file a statement containing the information required by either Schedule 13D or Schedule 13G depending upon whether such person is subject to paragraph (a), (b) or (c) of the Rule. Schedule 13D is primarily aimed at obtaining information concerning potential changes in control of an issuer. It calls for disclosure with respect to: the class of the security and the issuer; the identity and background of the beneficial owner, and, if the statement is filed by a partnership, syndicate, group or corporation, certain related persons; the source and amount of funds or other consideration used in making the acquisition; the purpose of the acquisition and any plans or proposals with respect to the acquisition or disposition of the securities, material changes in the issuer's business or corporate structure and other specified matters; the number of shares beneficially owned and transactions in the securities during the prior 60 days; and any contracts, arrangements, understanding or relationships with respect to the securities. Schedule 13G calls for an abbreviated statement which must include the identity, residence and citizenship of the beneficial owner as well as the number of shares beneficially owned.

Under paragraph (a) of Rule 13d-1, a person who makes an acquisition of certain equity securities which results in that person becoming the beneficial owner of more than five percent of a class of securities is required to file with the Commission and send to the issuer and each exchange where the security is traded a Schedule 13D within 10 days after such acquisition. Paragraph (b) of Rule 13d-1 permits a Schedule 13G to be filed and sent within forty-five days after the end of the calendar year by

persons who would otherwise be required to file a Schedule 13D if the conditions specified in the Rule are met. Generally, the securities must have been acquired in the ordinary course of the filing person's business and without the purpose or the effect of changing or influencing control of the issuer and the filing person must be among a specified class of institutional-type investors. These conditions are based on the criteria set forth in section 13(d)(5) to guide the Commission in allowing abbreviated statements to be filed as well as the legislative history of that section. While the filing of Schedule 13G by the persons encompassed by Rule 13d-1(b) is voluntary, in that it may be filed in lieu of a Schedule 13D, Schedule 13G is required to be filed under Rule 13d-1(c) by any beneficial owner of more than five percent of a class of securities who is not subject to Section 13(d). Generally, such persons are those who: (1) Acquired beneficial ownership of their securities prior to December 22, 1970; (2) acquired not more than 2% of the class acquired within a twelve-month period; or (3) acquired the securities through a stock-for-stock exchange registered under the Securities Act.

Rule 13d-2(a) requires the filing of an amendment to Schedule 13D promptly after any material change occurs in the facts set forth therein. Schedule 13G, on the other hand, is merely required by Rule 13d-2(b) to be updated within forty-five days of the end of each calendar year to reflect any changes in the previous filing.

The obligation to file a Schedule 13D depends in part upon whether there has been an "acquisition" of securities. Rule 13d-5(a) deems a person who has become a beneficial owner of securities to have acquired the securities. Thus, the Rule makes clear that the obligation to file extends to situations where beneficial ownership of securities has been obtained otherwise than by purchase, such as through gift, bequest or inheritance.

The standards for determining what constitutes "beneficial ownership" are set forth in Rule 13d-3. Rule 13d-3(a) provides that a beneficial owner of a security includes any person who, directly or indirectly, through any contract, arrangement, understanding, relationship or otherwise, has or shares either voting power or investment power with respect to such security. Voting power includes the power to vote or to direct the voting of such security and investment power includes the power to dispose or to direct the disposition of such security. In addition, a person is

¹⁰ S. Rep. No. 114, 95th Cong., 1st Sess. 18 (1977).

¹¹ *Id.*

¹² See, e.g., Cong. Rec. S923 (daily ed. January 18, 1977) (remarks of Senator Williams).

deemed to be the beneficial owner of a security if such person has the right to acquire voting or investment power within 60 days or, at any time, if the right to acquire those powers was obtained with the purpose or with the effect of changing or influencing control. To ensure that a complete picture of a person's potential to affect control is presented, Rule 13d-3(c) requires that all securities beneficially owned by a person, regardless of the form which such beneficial ownership takes, are to be aggregated in calculating the number of shares beneficially owned.

An analysis of all relevant facts and circumstances in a particular case is necessary to determine who has voting or investment power. Moreover, since the determination of whether a person is a beneficial owner is based on who has the power, as distinguished from merely the legal right, to vote or dispose of the security, the interpositioning of multiple holders of record or other artifices cannot be used by a person holding either of the requisite powers to avoid his filing obligation. The integrity of the filing system is further reinforced by Rule 13d-3(b) which provides that Rule 13d-3(a) cannot be circumvented by a contract, arrangement or other device to divest a person of beneficial ownership or prevent the vesting of beneficial ownership as part of a plan or scheme to evade the reporting requirements of section 13(d) or 13(g).

C. Section 16

Another provision of the Exchange Act which requires disclosure of the beneficial ownership of equity securities is section 16. Section 16(a) provides that every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of equity security (other than an exempted security) registered pursuant to section 12, or who is an officer or director of the issuer of such security, shall file with the Commission an initial report disclosing the amount of all equity securities of such issuer of which he is the beneficial owner and a further report within 10 days after the close of each calendar month in which there has been any change in his holdings. Rule 16a-1 (17 CFR 240.16a-1) implements this authority by providing Form 3 for initial reports of beneficial ownership and Form 4 for statements of changes in such beneficial ownership.

Section 16(b) provides that for the purpose of preventing the unfair use of information by such beneficial owner, officer or director by reason of his special relationship to the issuer, any profit realized by him from any purchase and sale, or sale and purchase, of any

equity security of such issuer (other than an exempted security) within any period less than six months, unless such security was acquired in connection with a debt previously contracted, shall inure to and be recoverable by the issuer.

Thus, section 16 is a prophylactic provision designed to prevent the use of inside information to derive windfall profits by certain insiders. The overriding concern under section 16 is therefore with the economic incidents of ownership. Because the purpose to be accomplished by section 16 is different from that under sections 13 (d) and (g), the Commission has not applied the standards for determining beneficial ownership set forth in Rule 13d-3 to reporting under section 16.

D. Section 13(f)

In 1975, as part of the Securities Acts Amendments of 1975, Congress adopted section 13(f) of the Exchange Act. The reporting system required by section 13(f) is intended to create in the Commission a central repository of historical and current data about the investment activities of institutional investment managers, and thereby to advance certain objectives. First, the reporting system is designed to improve the body of factual data available and thus facilitate consideration of the influence and impact of institutional investment managers on the securities markets and the public policy implications of that influence. Second, by making the Commission responsible for all gathering, processing, and dissemination of the data, Congress intended to permit establishment of uniform reporting standards and a uniform centralized data base.¹³

Section 13(f) of the Exchange Act empowers the Commission to adopt rules which would create a reporting and disclosure system to collect specific information concerning section 13(d)(1) equity securities held in accounts over which certain institutional investment managers exercise investment discretion. It gives the Commission broad rulemaking authority to determine the size of the institutions required to file reports, the format and frequency of the reporting requirements, and the information to be disclosed in each report. The statute directs the Commission to make available to the public a list of all equity securities described in section 13(d)(1) of the Exchange Act and to disseminate to the public the information contained in the reports. The Commission is also directed

to consult with other regulatory agencies to attempt to achieve uniform, non-duplicative reporting by, and minimize the compliance burden on, institutional investment managers.

On June 15, 1978, the Commission announced the adoption of Rule 13f-1 (17 CFR 240.13f-1) and related Form 13F (17 CFR 249.325) which implemented the institutional disclosure program mandated by Congress in section 13(f).¹⁴ Under the rule, as amended effective February 5, 1979,¹⁵ an institutional investment manager exercising investment discretion (as defined in section 3(a)(35) of the Exchange Act (15 U.S.C. 78(c)(a)(35)) with respect to accounts having \$100,000,000 or more in exchange-traded or NASDAQ-quoted equity securities on the last trading day of any of the twelve months of a calendar year must file five copies of Form 13F with the Commission and, if a bank, with the appropriate agency. The form must be filed within 45 days after the last day of such calendar year and within 45 days after the last day of the first three calendar quarters of the subsequent year. The form requires the reporting of the name of the issuer, and the title of class, CUSIP number, number of shares (or principal amount in the case of convertible debt), and aggregate fair market value of each such equity security held. The form also requires information concerning the nature of investment discretion and voting authority possessed.

E. Section 13(h)

Section 13(h) was also added to the Exchange Act by the Domestic and Foreign Improved Disclosure Act of 1977. As noted above, section 13(h) directs the Commission to report to Congress in June 1980 with regard to the effectiveness of the ownership reporting requirements of the Exchange Act and the desirability and feasibility of reducing or otherwise modifying the 5 percent reporting threshold provided in sections 13(d) and 13(g). In addressing these matters, the Commission is required to give appropriate consideration to:

(1) The incidence of avoidance of reporting by beneficial owners using multiple holders of record;

(2) The cost of compliance to persons required to report;

(3) The cost to issuers and others of processing and disseminating the reported information;

¹³Release No. 34-14852 (June 15, 1978) (43 FR 26700).

¹⁴See, S. Rep. No. 94-75, 94th Cong., 1st Sess. 85 (1975).

¹⁵Release No. 34-15481 (January 5, 1979) (44 FR 3033).

(4) The effect of such action on the securities markets, including the system for the clearance and settlement of securities transactions;

(5) The benefits to investors and to the public;

(6) Any bona fide interests of individuals in the privacy of their financial affairs;

(7) The extent to which such reported information gives or would give any person a undue advantage in connection with activities subject to sections 13(d) and 14(d) of the Exchange Act;

(8) The need for such information in connection with the administration and enforcement of the Exchange Act; and

(9) Such other matters as the Commission may deem relevant, including the information obtained pursuant to section 13(f) of the Exchange Act.

Insight into the Congressional concerns underlying the enactment of Section 13(h) can be gleaned from prior bills which were considered during the 94th Congress¹⁶ as well as the original version of the bill which was finally enacted.¹⁷ These bills would have required a report to be filed with the Commission no more frequently than quarterly by any holder of record of, and any other person having an interest in, 2% or more of any equity security of a class of security described in section 13(d)(1). The reporting threshold would have been reduced under these bills to as little as ½ of 1% within a specified period after adoption, subject to the exercise of discretion vested in the Commission to shorten or lengthen the period if it found that such change was not inconsistent with the public interest or the protection of investors after giving appropriate consideration to and receiving public comments on specified criteria which closely resemble those found in Section 13(h). In addition, the Commission would have been directed to submit a report to Congress similar to that required by Section 13(h) with respect to the feasibility and desirability of reducing the reporting threshold to ¼ of 1%.

Congress was apparently of the view that by enlisting the aid of record holders and reducing the reporting threshold it would minimize the potential for avoidance of the reporting requirements under Section 13(d)

¹⁶ See, e.g., S. 953, 94th Cong., 1st Sess. (1975); S. 3084, 94th Cong., 2d Sess. (1976). S. 3084 was adopted by the Senate on August 27, 1976 but no action was taken by the House of Representatives. See 122 Cong. Rec. 28248 (1976) and Cong. Rec. S. 922 (daily ed. January 18, 1977) (remarks of Senator Williams).

¹⁷ S. 305, 95th Cong., 1st Sess. (1977), Cong. Rec. S. 919 (daily ed. January 18, 1977).

through the interpositioning of multiple holders of record.¹⁸ However, there appears to have been a recognition that such an approach should not be adopted until there had been opportunity to determine the efficacy of the then recently adopted rules under Section 13(d) as well as to further study the matter.¹⁹

II. Scope of Inquiry

In view of the Congressional concerns underlying the enactment of Section 13(h), the Commission is considering whether to recommend legislation which would, among other things, reduce the reporting threshold below the present level of five percent of a class. Since the reporting threshold would have been progressively lowered by the prior bills to 2 percent, 1 percent and ½ of 1 percent and since the Commission would have been required to report with respect to a threshold of ¼ of 1 percent, the following inquiries seek comment with respect to reporting at those levels. The inquiries also address the effectiveness of the current reporting requirements, including the rules adopted thereunder. The views of interested members of the public will be useful to the Commission in formulating any legislative recommendations and rulemaking action.

In responding to the following inquiries commentators are requested to furnish, to the extent feasible, detailed empirical data in support of their suggestions for any proposed modifications in the applicable statutory provisions and the rules thereunder. With respect to costs, the Commission requests detailed information on direct and indirect costs as well as start-up and continuing costs.

A. Incidence of Avoidance or Reporting by Beneficial Owners Using Multiple Holders of Record

One of the concerns which appears to have prompted the introduction of bills to lower the reporting threshold to as low as ½ of 1% is the possibility that reporting under section 13 (d) could be avoided through the use of multiple holders of record to fragment the ownership in individual accounts to less than five percent. However, the introduction of these bills as well as the

¹⁸ See, e.g., S. 922 (daily ed. January 18, 1977) (remarks of Senator Williams); S. Rep. No. 917, 94th Cong., 2d Sess. 26-29 (1976).

¹⁹ In this regard, S. Rep. No. 114, 95th Cong., 1st Sess. 14 (1977) states:

While the Committee believes that such measures may ultimately be necessary, it has determined that statutory provisions of this nature may be deferred at this juncture, particularly in light of the Commission's mandate under section 203 of S. 305 to study the effectiveness of current reporting levels.

enactment of section 13(h) occurred prior to the adoption of the present standards for determining who is a beneficial owner for purposes of sections 13(d) and 13(g). As noted above, by imposing the filing obligation on the person who has or shares voting or investment power, the reporting requirements cannot, as a legal matter, be avoided through the use of multiple holders of record. The use of multiple holders of record could, however, make detection of violations of the reporting requirements more difficult.

In light of the foregoing the Commission invites public comment with respect to the following areas of inquiry:

(1) Are the standards set forth in Rule 13d-3 for determining who is a beneficial owner, together with the aggregation requirement in Rule 13d-3(c), effective in preventing the avoidance of the reporting requirements of sections 13(d) and 13(g) through the use of multiple holders of record? Are there more effective methods of doing so and, if so, what are they?

(2) How and to what extent are multiple holders or record being used to avoid the reporting requirements under sections 13(d) and 13(g)? How can the detection of such violations be enhanced?

(3) Would a reduction in the reporting thresholds under sections 13(d) and 13(g) be effective in dealing with the matters raised in inquiries 1 and 2?

B. Cost of Compliance to Persons Required to Report

In addition to the extent of required disclosure, an assessment of the cost of compliance with the reporting requirements must take into consideration the question of who should be required to report, the overlap among the reporting requirements, and the burden imposed by these requirements.

In order to cover the persons who have the potential to affect control, Rule 13d-3 deems a person to be a beneficial owner if he has or shares, directly or indirectly, either voting or investment power or, in certain cases, the right to acquire either of those powers. As a consequence, there can be more than one beneficial owner of the same securities. The Commission has attempted to reduce the compliance burden in such situations by permitting the joint filing of a Schedule 13D or 13G where the conditions in Rule 13d-1(f) are satisfied. The Commission has nevertheless been criticized for the breadth of the definition and the attendant costs of compliance.

In view of the differences between the purposes underlying sections 13(d) and 13(g) and those underlying sections 13(f) and 16(a), as well as certain technical differences between these provisions, the Commission has determined that it is not feasible to adopt a system of centralized reporting which will encompass all of these provisions. The commission has been able to a limited extent to integrate the reporting requirements under section 13(f) with those under sections 13(d) and 13(g). Thus, information contained in a Form 13F can be incorporated by reference in response to any of the items of Schedule 13D or 13G.

The Commission has attempted to minimize the cost of compliance to persons filing Schedule 13G. The disclosure has, in the Commission's judgment, been abbreviated to the minimum amount necessary to satisfy the Congressional purpose. In addition, the Schedule is required to be filed only once a year to show the beneficial ownership as of the last day of the calendar year. Thus, the expense of monitoring ownership throughout the year is avoided since ownership generally needs to be computed only as of the last day of the year for this purpose.

The Commission has also reduced the scope of Regulation 13D-G by limiting its application to voting equity securities. In the Commission's view, non-voting securities are outside the Congressional purpose since they do not enable the beneficial owner to change or influence control of the issuer.

In view of the foregoing, the Commission invites comment with respect to the following areas of inquiry:

(4) Do the costs of compliance under the present reporting requirements outweigh the benefits to investors and the public of the information obtained thereunder? If so, how can the costs of compliance be reduced consistently with the purposes of the reporting requirements?

(5) What effect would lowering the reporting threshold to the following percentages have on the cost of compliance: 2%? 1%? 0.5%? 0.1%? Which, if any, of these thresholds would cause the costs of compliance to exceed the benefits of the information to investors and the public?

(6) Is it feasible to integrate the present reporting requirements into a centralized system of reporting? If so, how can this be accomplished in a manner consistent with the purposes of the reporting requirements?

C. Costs to Registrants and Others of Processing and Disseminating the Reported Information

The Street Name Study concluded that ownership information gathered under the then existing Commission rules was not disseminated as widely as might be desirable.²⁰ Congress has also emphasized the need for public availability of information in enacting sections 13(f)²¹ and 13(g).²²

The Commission has attempted to promote the dissemination and public availability of the ownership information obtained under sections 13(d) and (g) in two ways. First, the Commission has enlisted the aid of registrants required to file periodic reports under section 13 of the Exchange Act. Second, the Commission is in the process of implementing a computer system to enhance public access to certain key information abstracted from the Schedules.

Item 5 of Schedule 14A (§ 240.14a-101) and Item 13 of Form 10-K (§ 249.310) impose an obligation on registrants to disclose the information called for by Item 6 of Regulation S-K (§ 229.20.6).²³ Item 6 of Regulation S-K requires disclosure of the name, address, number of shares owned, and the percent of class represented by such shares for each person who beneficially owns more than 5 percent of a class of a registrant's voting securities. In responding to this Item the registrant may rely upon information set forth in Schedules 13D or 13G unless the registrant knows or has reason to believe that such information is not complete or accurate or that a statement or amendment should have been filed and was not. Thus, shareholders, members of the public and government agencies are able to consult the ownership information prepared by the registrant and filed in its annual report or proxy statement for the purpose of identifying the substantial beneficial owners of a particular issuer. If further information is necessary with respect to such persons, the Schedules upon which the registrant based its disclosure are

²⁰Street Name Study at 50.

²¹Section 13(f)(3) requires the Commission to make reports filed pursuant thereto available in a way "which will . . . maximize the usefulness of the information to other Federal and State authorities and the public."

²²Section 13(g)(5) directs the Commission to tabulate and promptly make available the information contained in any report filed thereunder in a manner which will, in the view of the Commission, maximize the usefulness of the information.

²³Item 19 of Form S-1 (§ 239.11), Item 18 of Form S-11 (§ 239.18) and Item 5 of Form 10 (§ 249.210) also require the disclosure called for by Item 6 of Form S-K.

available in the Commission's public files as soon as they are filed.

The cover pages to Schedule 13D, Schedule 13G and Schedule 14D-1²⁴ require certain data²⁵ to be abstracted from the Schedules for entry into a computer retrieval system. Two tabulations of this information will be publicly available. One tabulation is classified by registrant and will show the beneficial owners of over 5 percent of each registrant's stock. The other tabulation is classified by reporting person and will show the beneficial ownership for each registrant in which the person has a reportable interest. In addition, special tabulations will be available through a private vendor for a fee.

Forms 3 and 4 filed pursuant to section 16 of the Exchange Act are available in the Commission's public files as soon as they are filed. In addition, The Official Summary of Securities Transactions, which is published monthly, condenses certain information in those forms. This publication may be ordered from the Superintendent of Documents.

In furtherance of its obligation to disseminate to the public the information in the reports filed pursuant to section 13(f), the Commission has made available for public inspection a copy of each report in its Public Reference Room in Washington. In addition, the Commission has arranged through a private vendor for tabulation of the results of all the reports for each filing period. Copies of the tabulations for each filing period have been made available for public inspection in the Commission's Public Reference Room in Washington.

In light of the foregoing, the Commission invites comments on the following areas of inquiry:

(7) Do the costs of compliance to registrants and others of processing and disseminating the reported information outweigh the benefits to investors and the public therefrom? If so, how can the costs of compliance be reduced consistently with the Congressional purpose of securing adequate dissemination of the information?

(8) What effect would lowering the reporting threshold to the following percentages have on the cost of compliance to registrants and others of processing and disseminating the information: 2%? 1%? 0.5%? 0.1%? Which, if any, of these thresholds would cause

²⁴Schedule 14D-1, in certain specified circumstances, may be used to satisfy the reporting requirements under section 13(d).

²⁵Notably, the cover pages call for the identity of the reporting person, his citizenship, and the amount and nature of his beneficial ownership.

the costs of compliance to exceed the benefits of dissemination to investors and the public?

(9) Should the disclosure required by Item 6 of Regulation S-K be given solely with respect to voting power, particularly with regard to the disclosure of beneficial ownership in proxy statements?

D. Effect of Lowering the Reporting Threshold on the Securities Markets, Including the System for the Clearance and Settlement of Securities Transactions

The Street Name Study found that nominee name registration benefits investors and the securities industry by facilitating the transfer of record ownership and the clearance and settlement of securities transactions.²⁶ It also concluded that nominee name registration is consistent with the purposes of the Exchange Act, with particular reference to sections 12(g), 13, 14, 15(d), 16 and 17A.²⁷ Consistent with this conclusion, the Commission has attempted to avoid interfering with this practice under the present rules adopted pursuant to Sections 13(d) and 13(g). Thus, under Rule 13d-3(d)(2) a member of a national securities exchange is deemed not to be a beneficial owner of securities which are held on behalf of another person if the member's only interest in the securities is that of record ownership and he is precluded by rules of the exchange from voting without instruction on other than certain routine matters.²⁸

With a reporting threshold of 5 percent of the outstanding securities, relatively few investors are required to report. As the reporting threshold is lowered the number of investors who become subject to the requirements necessarily increases. Because of the intrusion in the privacy of their financial affairs as well as the costs of compliance attendant to such reporting, the lowering of the reporting threshold could act as a disincentive to investment in equity securities of reporting companies.

In light of the foregoing, the Commission invites comments on the following areas of inquiry:

(10) What effect do the present reporting requirements have on the securities markets, including the clearance and settlement of securities transactions?

(11) What effects would lowering the reporting threshold to the following

percentages have on the securities markets, including the system for the clearance and settlement of securities transactions: 2%? 1%? 0.5%? 0.1%? How can any adverse effects be mitigated consistently with the purposes of the reporting requirements?

(12) To what extent would lowering the reporting threshold act as a disincentive to investment in the equity securities of reporting companies?

E. The Benefits to Investors and to the Public

In assessing the benefits to investors and the public of the disclosure obtained under the present reporting requirements as well as under requirements with reduced reporting thresholds, it is important to focus on the purpose being served by such disclosure. As noted previously, the information obtained under sections 13(d) and 13(g) is intended to provide information to investors with respect to potential changes in or influences upon the control of an issuer. With this information, the market is able to adjust appropriately its evaluation of the issuer's worth. The legislative history of section 13(g) reveals, however, that the benefits of a comprehensive system of disclosure of securities ownership are not limited to investor protection. Such information is needed by Congress, the executive branch and Federal agencies to make reasoned public policy,²⁹ especially with regard to foreign investment in American companies.

The Street Name Study noted in this regard that:

The touchstone of the national disclosure policy in this area is the concept of control or potential control. Control is, however, an elusive concept. Because shareholder influence is not exercised in an open fashion, its incidence and effect are not readily subject to determination. The result is that the appropriate threshold [for] disclosure is essentially a matter of judgment.³⁰

Thus, at least insofar as investor protection is concerned, the task is one of identifying a reporting threshold which in most instances will elicit disclosure only from those persons who have the potential to affect control.

²⁹ Similarly, Congress expected that federal and state agencies could make extensive use of data collected pursuant to section 13(f) in fulfilling their responsibilities to consider and develop standards designed to protect the public interest and that the data may prove useful to the public in making informed investment decisions as well as providing a basis for consideration of the public policy implications of institutional investment activities. See, Rep. No. 94-75, 94th Cong., 1st Sess. 77-88 (1975).

³⁰ Street Name Study at 50.

In light of the foregoing, the Commission invites comments on the following areas of inquiry:

(13) In addition to the benefits noted above, how do investors and the public benefit from the information obtained under the present reporting requirements?

(14) How would investors and the public benefit from reducing the reporting threshold to the following percentages: 2%? 1%? 0.5%? 0.1%? Do the benefits to investors cease at a reporting threshold different from that for the public in general?

(15) What percentage ownership will in most instances enable the holder of securities of that amount to have the potential to change or influence control?

F. Bona Fide Interest of Individuals in the Privacy of Their Financial Affairs

Concern has been expressed that a lowering of the threshold for the reporting of beneficial ownership might constitute an unwarranted limitation on an individual's right to privacy. The Commission therefore invites comment on the following areas of inquiry:

(16) Do the present reporting requirements for the disclosure of beneficial ownership accomplish the purposes for which they were established without unnecessary intrusions into the financial affairs of private investors?

G. The Extent to Which Such Reported Information Gives or Would Give Any Person an Undue Advantage in Connection With Activities Subject to Sections 13(d) and 14(d)

In passing the Williams Act, Congress recognized that although "takeover bids should not be discouraged,"³¹ the regulation of tender offers and other acquisitions which may cause a change in control was necessary for the purpose of disclosure of material information.³² However, in adopting this approach, Congress was aware of the positions of the bidder and the company whose securities are being sought and therefore took.

* * * extreme care to avoid tipping the balance of regulation either in favor of management or in favor of the person making the takeover bid. The bill is designed to require full and fair disclosure for the benefit of investors while at the same time providing the offeror and management equal opportunity to fairly present their case.³³

Purchases made prior to the determination to make a tender offer permit a potential bidder to test the

³¹ S. Rep. No. 550, 90th Cong., 1st sess. 3 (1967).

³² *Id.* at 1.

³³ *Id.* at 3.

²⁶ Street Name Study at 3.

²⁷ *Id.*

²⁸ See, e.g., Rules 451 and 452, Rules of the New York Stock Exchange and Rules 576 and 577, Rules of the American Stock Exchange.

market and to determine the appropriate consideration to be offered. Obtaining a significant position in the subject company's securities may also be of assistance in negotiating an acquisition with management, demonstrating to shareholders the seriousness of one's interest in acquiring the company, and deterring others from making a competing bid.

In light of the foregoing, the Commission invites comment on the following areas of inquiry:

(17) To what extent do the present reporting requirements give any person an undue advantage in connection with the activities subject to section 13(d) or 14(d)?

(18) To what extent would a lowering of the reporting threshold to the following percentages give any person an undue advantage in connection with activities subject to Sections 13(d) or 14(d): 2%? 1%? 0.5%? 0.1%?

H. The Need for Such Information in Connection With the Administration and Enforcement of the Exchange Act

One of the concerns which prompted the introduction of legislation to lower the reporting threshold and to make the reporting system comprehensive was that the perceived inadequacies of the reporting requirements masked violations thereof as well as other activities which could entail civil or criminal penalties.³⁴ The Commission therefore invites comment on the following areas of inquiry:

(19) Would a lowering of the reporting threshold to the following percentages be of assistance to the Commission in detecting and enforcing violations of the reporting and other requirements of the Exchange Act as well as in administering the provisions of the Exchange Act: 2%? 1%? 0.5%? 0.1%?

(20) Would the benefits to the public from any enhanced enforcement and administration of the provisions of the Exchange Act which might result from a lowering of the reporting threshold outweigh the attendant costs of compliance and other burdens imposed by such action?

I. Other Matters

Acquisitions during filing period

The Commission is becoming increasingly concerned by an abuse of the present notification system under Section 13(d). It is an increasingly prevalent practice to make significant acquisitions of securities during the ten-day period between the occurrence of the event which triggers the obligation

to file a Schedule 13D and the time the Schedule is required to be filed. A similar practice is followed in connection with the filing of amendments under section 13(d)(2) and Rule 13d-2(a) which require an amendment to be filed promptly if any material change takes place in the facts set forth in the Schedule 13D. Significant additional acquisitions are made between the time the obligation to amend arises and the time the amendment is filed. Thus, instead of learning of the acquisition of securities which may give the beneficial owner the potential to affect control, investors and the public may be confronted with the acquisition of an interest which is sufficiently great to enable the owner to exercise control.

In view of the foregoing, the Commission requests comment on the following areas of inquiry:

(21) Should persons making acquisitions which result in them becoming the beneficial owner of five percent of the class of securities be prohibited from making any additional acquisitions until a specified period after they have filed a schedule 13D to report the triggering acquisition? If so, should the prohibition be limited to certain types of additional acquisitions and/or to additional acquisitions of certain percentages of the class? Should a similar prohibition be applicable to acquisitions which require the filing of an amendment to Schedule 13D?

(22) Would such a prohibition be necessary if the reporting threshold were lowered to the following percentages: 2%? 1%? 0.5%? 0.1%?

(23) Are there alternative ways in which the reporting requirements can be modified to prevent the abusive practices discussed above? If so, explain how the modified reporting requirements would operate and describe the benefits to investors and to the public, as well as the burdens to the reporting persons, that the modified reporting requirements would involve.

Institutional disclosure

Section 13(h)(2)(I) provides the Commission with the opportunity to supply information on other matters it may deem relevant to beneficial ownership reporting, including the information obtained pursuant to section 13(f). Certain of the foregoing questions will afford an opportunity to comment on the interrelationship of the beneficial ownership reporting requirements of section 13(d) and 13(g) and the institutional disclosure requirements of section 13(f). However, in order to enable the Commission better to decide what information it

might be appropriate to supply in its report under section 13(h), the Commission believes it might be useful to obtain comments specifically on the operation of the institutional disclosure program.

In view of the foregoing, the Commission requests comment on the following areas of inquiry:

(24) Do the costs and burdens of compliance with the reporting requirements outweigh the benefits of the program? If so, in what specific ways could they be reduced without significantly compromising the purposes of the program?

(25) In what ways, if any, should the information required to be reported be expanded, contracted or altered so as best to effectuate the purposes of the program?

Statutory Authority

The foregoing action has been ordered by the Commission pursuant to the authority set forth in sections 7, 10 and 19(a) of the Securities Act and sections 3(b), 12, 13, 14 and 23 of the Exchange Act.

By the Commission.
December 12, 1979.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-33031 Filed 12-19-79; 8:45 am]
BILLING CODE 8010-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Improving Quality of Regulations; Semiannual Agenda of Significant Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Semiannual agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's semiannual agenda of significant regulations under development. This agenda was developed pursuant to the President's Order on improving government regulations (Executive Order 12044, 43 FR 12661 (March 24, 1978)) and the Pension Benefit Guaranty Corporation's Statement of Policy and Procedures implementing the Order (43 FR 58237 (December 13, 1978)).

ADDRESS: Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact J. R. Goldstein, Special Counsel, Office of the General Counsel, 202-254-4895. For information about a

³⁴ Cong. Rec. S923 (daily ed. January 18, 1977) (remarks of Senator Williams).

particular item on the agenda, contact the person designated for each regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on improving government regulations (Executive Order 12044, 43 FR 12661 (March 24, 1978)), each Executive Agency is required to publish semiannually an agenda of significant regulations under development or scheduled to be reviewed by the agency. This is the third semiannual agenda of the Pension Benefit Guaranty Corporation ("PBGC") of its significant regulations under development. (For the reasons set forth in PBGC's Statement of Policy and Procedures implementing the Executive Order (43 FR 58237 (December 13, 1978)), the PBGC does not plan to schedule any regulations for review until some time in 1980.)

Since publishing its last agenda (44 FR 36433), the PBGC has begun development of a new significant regulation that deals with partitioning pension plans under § 4063(d) of the Employee Retirement Income Security Act of 1974 ("ERISA"). That regulation is listed as item No. 9 on the agenda set forth below.

In addition, two regulation projects (items 8 and 9 on the previous agenda) have been dropped by the PBGC. The first was a regulation dealing with the valuation and allocation of group insurance contracts. Group insurance contracts are already covered under the PBGC's regulations on valuing plan assets and allocating plan assets, 29 CFR Parts 2611 and 2608 respectively. While the application of these rules to group insurance contracts is somewhat cumbersome, PBGC staff was unable to develop a more satisfactory regulatory approach. Accordingly, the project has been discontinued, and PBGC will continue to apply its existing regulations in this area.

The second regulation would have set forth rules for distinguishing between a single pension plan and an aggregate of single plans. At the time this project was started, PBGC was faced with a large number of cases that presented this issue, and it had established a special task force to handle these cases. The governing legal principles on which PBGC decides these cases have been published in agency opinion letters. The experience of the task force has shown that each of these cases presents a different combination of relevant facts, and therefore that it is not useful to develop broad rules applicable to all the cases. Moreover, the number of new cases involving this issue has decreased substantially. For these reasons, the

PBGC has dropped this regulation project.

In addition to the description of the new significant regulation under development, the agenda set forth below contains a status report on the eight on-going projects listed in the prior agendas. Interested members of the public with questions or comments concerning these regulations are invited to write or telephone the PBGC contact designated for each regulation. The PBGC's mailing address is 2020 K Street, N.W., Washington, D.C. 20006.

1. Notification Requirements for Reportable Events and Establishment of New Reportable Events

Status. Part of this regulation project involved proposing the establishment of new reportable events pursuant to ERISA section 4043(b)(9). However, the PBGC has learned that the information that it would have obtained under these proposed new reportable events can be obtained from the Internal Revenue Service ("IRS"). Since this procedure would lessen the reporting requirements to the public, the PBGC has elected to get the information from the IRS and has dropped its plans to propose new reportable events at this time.

Development of the main portion of the project—the final reportable events regulation—is continuing. A draft of the final rule was reviewed by PBGC's Advisory Committee, and the Committee suggested several changes. PBGC staff has been analyzing the Advisory Committee's recommendations, and the draft final rule is being revised. When this draft is completed, it will be reviewed by the Advisory Committee.

PBGC Contact. Mr. David Weingarten, Special Counsel, Office of the General Counsel, 202-254-3010.

2. Proposed Rules for Determining and Collecting Employer Liability

Status. The draft proposed regulation was reviewed by the PBGC's Advisory Committee, and it recommended a number of changes. PBGC staff have analyzed those recommendations, and the draft proposed rule is being revised.

PBGC Contact. Mr. J. R. Goldstein, Special Counsel, Office of the General Counsel, 202-254-4895.

3. Proposed Rules for Establishing Prospective Interest Rates for Valuing Plan Benefits (Proposed Amendment to Interim Regulation on Valuing Plan Benefits)

Status. A draft of the proposal has been circulated for review within the PBGC, and this review has raised significant new issues. Work has begun

on the issues, and the draft proposal will be revised in the near future.

PBGC Contact. Ms. Nina Hawes, Attorney, Office of the General Counsel, 202-254-4895.

4. Proposed Rules Governing the Reversion of Excess Plan Assets

Status. A draft of the proposed rule was reviewed by PBGC's Advisory Committee. The Committee suggested certain changes, and these suggestions are currently being analyzed by PBGC staff. It is expected that work will begin shortly on revising the draft proposal.

PBGC Contact. Ms. Renae Hubbard, Attorney, Office of the General Counsel, 202-254-4895.

5. Proposed Rules on the Allocation of Employer Liability Among Employers in a Multiple Employer or Multiemployer Plan

Status. The development of specifications for this proposed regulation has been delayed in part because of the need to coordinate the policies to be embodied in this regulation with those contained in other related regulations currently under development. The specifications should be completed and drafting of the proposed rule should begin in the near future.

PBGC Contact. Mr. William Seals, Attorney, Office of the General Counsel, 202-254-4895.

6. Proposed Rules for Multiemployer Mergers, Spinoffs and Transfers of Assets or Liabilities Under Section 208 of ERISA

Status. A draft of the proposed regulation has been circulated for review within the PBGC, and the draft is currently being revised in light of the comments received. The new draft will be reviewed by PBGC's Advisory Committee.

PBGC Contact. Ms. Karen Clark, Attorney, Office of the General Counsel, 202-254-3010.

7. Rules for Determining Plan Sufficiency and for Terminating Sufficient Plans

Status. The proposed regulation was published at an early stage in PBGC's development, before extensive experience in case handling had been acquired. It contained two alternative approaches which involved different degrees of direct PBGC involvement. Implementation of either alternative would require creation of new systems and procedures and the allocation of significant resources. These necessary preparations had a lower priority than other tasks, and therefore did not reach

a stage where preparation of final regulatory language would be appropriate for some time. When the final regulation preparation became imminent, the PBGC's Policy Committee reviewed the decisions that had been made shortly after publication of the proposed regulation. It recommended a significant change from the earlier policy, and this recommendation was adopted by the Executive Director. Accordingly new specifications for the regulation have been prepared. The specifications will be reviewed by the PBGC's Advisory Committee.

PBGC Contact. Ms. Joan Segal, Attorney, Office of the General Counsel, 202-254-3010.

8. Amendments to the Notice of Intent to Terminate Regulation

Status. The proposed amendments were published for public comment in the Federal Register on July 24, 1979. A number of comments were received. These comments are being reviewed by PBGC staff, and specifications for the final amendments are currently being prepared.

PBGC Contact. Mr. William Seals, Attorney, Office of the General Counsel, 202-254-4895.

9. Proposed Rules for Partitioning a Plan to Which More Than One Employer Contributes and Determining Employer Liability

Description. Pursuant to ERISA section 4063(d), upon the withdrawal of a contributing employer from a plan to which more than one employer contributes, the PBGC may, under certain circumstances, partition the plan into two plans, treating one as a terminated plan (the "partitioned plan") and the other as a separate, on-going plan (the "surviving plan"). The PBGC is currently developing a proposed regulation setting forth the circumstances under which it will partition a pension plan. The regulation will also: prescribe the method for allocating assets and liabilities between the partitioned plan and the surviving plan; set forth rules and procedures pertaining to the termination of the partitioned plan; and prescribe rules for determining the employer liability of the withdrawing employer and the other employers with respect to the partitioned plan and the surviving plan.

Need. A number of cases have been before the PBGC in which the issue of plan partitioning has been raised, and thus the PBGC finds that there is a need to provide guidance to plan administrators and employers as to the circumstances under which PBGC will partition a plan and on how employer

liability will be determined when a plan is partitioned.

Legal Basis. ERISA sections 4002(b)(3), 4063(d) and 4064; 29 U.S.C. 1302(b)(3), 1363(d) and 1364.

Regulatory Analysis. Not required.
PBGC Contact. Mr. David Weingarten, Special Counsel, Office of the General Counsel, 202-254-3010.

Issued in Washington, D.C., this 14th day of December, 1979.

Robert E. Nagle,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 79-38915 Filed 12-19-79; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Navigation Regulations; Hood Canal, Bangor Naval Restricted Areas

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Proposed rule.

SUMMARY: The Corps of Engineers proposes to amend the regulations which establish a restricted area in the Hood Canal, Washington, adjacent to the Bangor Naval Submarine Base. The amendment is necessary to assure unhampered navigation in and around new piers and to provide increased physical security to submarines, supporting small craft and the magnetic silencing range.

DATE: Comments must be received by February 1, 1980.

ADDRESS: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, telephone number (202) 272-0200.

SUPPLEMENTARY INFORMATION: Regulations have been promulgated in 33 CFR 207.750(e) establishing and governing the use of a naval restricted area in the Hood Canal at the Bangor Naval Submarine Base, Washington. The Commanding Officer of the Bangor Naval Submarine Base has requested that portions of the existing restricted area be expanded channelward and an additional restricted area be established as Area No. 2 for security around the magnetic silencing range. These changes are essential for increased physical security for TRIDENT submarines and for operations around the new piers.

Accordingly, the U.S. Army Corps of Engineers proposes to amend 33 CFR 207.750(e) by revising subparagraph (1),

amending subparagraph (2) in its entirety and redesignating it as subparagraph (3) and establishing a new subparagraph (2) as set forth below.

§ 207.750 Puget Sound Area, Washington.

(e) *Hood Canal, Bangor; Naval Restricted Areas—(1) Area No. 1.* That area bounded by a line commencing on the east shore of Hood Canal at latitude 47°43'28"N; thence 270° true to latitude 47°43'28"N, longitude 122°44'40"W; thence to latitude 47°43'50"N, longitude 122°44'40"W; thence to latitude 47°44'24"N, longitude 122°44'22"W; thence to latitude 47°45'47"N, longitude 122°43'22"W; thence to latitude 47°46'23"N, longitude 122°42'42"W; thence to latitude 47°46'23"N, longitude 122°42'20"W; thence 125° true to the high tide line; thence southerly along the shoreline to the point of beginning.

(2) *Area No. 2.* Waters of Hood Canal within a circle of 1,000 yards diameter centered on a point located at latitude 47°46'26"N, longitude 122°42'49"W.

(3) *The Regulations—(i) Area No. 1.* No vessel shall enter this area without permission of the Commandant, Thirteenth Naval District, or his/her authorized representative.

(ii) *Area No. 2. (a)* The area will be used intermittently by the Navy for magnetic silencing operations.

(b) Use of any equipment such as anchors, grapnels, etc., which may foul underwater installations within the restricted area, is prohibited at all times.

(c) Dumping of any nonbuoyant objects in this area is prohibited.

(d) Navigation will be permitted within that portion of this circular area, not lying within Area No. 1 at all times except when magnetic silencing operations are in progress.

(e) When magnetic silencing operations are in progress, use of the area will be indicated by display of quick flashing red beacons on the pier located in the southeast quadrant of the area.

(f) The regulations in this paragraph shall be enforced by the Commandant, Thirteenth Naval District, or his/her authorized representative.

(40 Stat. 268; 33 U.S.C. 1).

Note.—The Chief of Engineers has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and therefore, is not significant for the purposes of EO 12044. A regulatory analysis is not required.

Dated: December 7, 1979.

Forrest T. Gay III,
Colonel, Corps of Engineers, Executive
Director, Engineer Staff.

[FR Doc. 79-39068 Filed 12-19-79; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1378-3]

Standards of Performance for New Stationary Sources Continuous Monitoring Performance Specifications; Extension of Comment Period

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Extension of Comment Period.

SUMMARY: The deadline for submittal of comment on the proposed revisions to the continuous monitoring performance specifications, which were proposed on October 10, 1979 (44 FR 58602), is being extended from December 10, 1979, to February 11, 1980.

DATES: Written comments and information must be received on or before February 11, 1980.

ADDRESSES: *Comments.* Written comments and information should be submitted (in duplicate, if possible) to: Central Docket Section (A-130), Attention: Docket Number OAQPS-79-4, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Docket. Docket Number OAQPS-79-4, containing material relevant to this rulemaking, is located in the U.S. Environmental Protection Agency Central Docket Section, Room 2903B, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Don R. Goodwin (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711; telephone (919) 541-5271.

SUPPLEMENTARY INFORMATION: On October 10, 1979 (44 FR 58602), the Environmental Protection Agency proposed revisions to the Continuous Monitoring Performance Specifications 1, 2, and 3. The notice of proposal requested public comments on the standards by December 10, 1979. Due to delay in the shipping of copies of the performance specifications publication, a sufficient number of copies have been

unavailable for distribution to all interested parties in time to allow their meaningful review and comment by December 10, 1979. An extension of this period is justified as this delay has resulted in about a 5-week delay in processing requests for the document.

Dated: December 12, 1979.

Edward F. Tuerk,
Acting Assistant Administrator for Air, Noise,
and Radiation.

[FR Doc. 79-39062 Filed 12-19-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Parts 122 and 123

Health Systems Agencies, State Health Planning and Development Agencies, and Health Facilities Discontinuance and Conversion

AGENCY: PHS, Health resources
Administration, HEW.

ACTION: Notice of decision to develop
regulations.

SUMMARY: In order to implement the Health Planning and Resources Development Amendments of 1979 (Pub. L. 96-79), the Department is proposing to amend the regulations for the health planning program and to add regulations for the health facilities discontinuance and conversion program. The proposed amendments to health planning regulations would govern: (1) the designation and funding of State health planning and development agencies, (2) the designation and funding of health systems agencies, (3) certificate of need reviews by planning agencies, (4) Federal funds reviews by health systems agencies (including proposed uses for research and training) and by Statewide health coordinating councils, (5) appropriateness reviews by planning agencies, and (6) the redesignation of health service areas. In addition, the Department proposes to issue regulations to implement a new program of grants for voluntary discontinuance and conversion of unneeded hospital services (sections 1641-4 of the PHS Act). The Secretary has reviewed the issues pertinent to these regulations and has decided that they are policy significant.

With the exception of regulations for certificate of need, proposed regulations for the health planning program will include both a Preamble and a proposed regulation itself. Because of the statutory requirement that the

Department issue final regulations for certificate of need reviews within 180 days of enactment of the amendments (April 1, 1980), the Secretary has chosen to present the Notice of Proposed Rulemaking for certificate of need programs in issue paper format.

FOR FURTHER INFORMATION CONTACT:

For further information on health planning regulations contact: Colin C. Rorrie, Jr., Ph. D., Director, Bureau of Health Planning, Center Building, Room 6-22, Hyattsville, Maryland (301) 436-6850.

For further information on health facilities regulations contact: Florence B. Fiori, Dr. P. H., Director, Bureau of Health Facilities, Financing, Conversion and Closure, Center Building, Room 6-27, Hyattsville, Maryland (301) 436-7700.

Date: November 7, 1979.

Charles Miller,
Acting Assistant Secretary for Health.

[FR Doc. 79-39162 Filed 12-19-79; 8:45 am]

BILLING CODE 4110-93-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 205

[Docket No. FEMA-DR-205]

Disaster Assistance; Proposed Subpart H (Project Administration)

AGENCY: Federal Emergency
Management Agency.

ACTION: Proposed rule.

SUMMARY: This subpart provides guidance for the administration of Federal disaster assistance for State and local governments and qualifying private nonprofit institutions under the Disaster Relief Act of 1974, Pub. L. 93-288, as amended. It describes procedures to be used by grantees and recipients of assistance in applying for Federal disaster relief for governmental bodies and eligible private nonprofit facilities. The procedures include those relating to project applications, advance of funds, inspection, audit and final payment.

COMMENTS: February 19, 1980.

ADDRESS: Federal Emergency
Management Agency, Washington, D.C.
20472.

SEND COMMENTS TO: Rules Docket Clerk,
Office of General Counsel, Federal
Emergency Management Agency, 1725 I
Street, NW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT:
Laurie Dove, Office of Public
Assistance, Disaster Response and
Recovery, Federal Emergency
Management Agency, Washington, DC
20472; Telephone: (202) 634-7835.

SUPPLEMENTARY INFORMATION: A notice issued in the Federal Register on May 2, 1979, establishing CFR Title and Chapter for FEMA regulations (Title 44, Chapter I, Federal Emergency Management Agency, with Subchapters A-E) indicated that Disaster Assistance would be Subchapter D, Parts 200-299.

On September 28, 1979, FEMA published a Notice of Transfer and Redesignation that transferred the Federal Disaster Assistance Regulations from 24 CFR Parts 2200-2205 to 44 CFR Part 200 *et seq.*

The regulations implementing the Disaster Relief Act of 1974 (44 CFR Part 205) are in the process of reorganization and revision. The proposed rule revises and recodifies the material in the existing 44 CFR Part 205, §§ 205.7, 205.10, 205.11, 205.19, 205.33(a), 205.52, 205.54(part), and 205.60 as a new Subpart H. The proposed rule is expanded to implement the requirements of OMB Circular A-102 and to incorporate material published previously in the FEMA Handbook for Applicants 3300.5 (Rev.). Portions of the material have been revised to clarify existing administrative policy and procedures.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472. Each person submitting a comment should identify this notice, and give reasons for any recommendations. All submissions received on or before February 19, 1980. Copies of all written comments received will be available for examination by interested persons at the Office of the Rules Docket Clerk. This proposal may be changed in light of the comments received.

A Finding of Inapplicability of section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with "Procedures for Protection and Enhancement of Environmental Quality." Interested parties may inspect and obtain copies of this Finding of Inapplicability of Environmental Impact at the Office of the Rules Docket Clerk of the Federal Emergency Management Agency, Washington, D.C. 20472.

Accordingly, it is proposed that the Federal Disaster Assistance Regulations, 44 CFR part 205, be amended by deleting §§ 205.7, 205.10, 205.11, 205.17, 205.19, 205.33(a), 205.52, 205.54(part), and 205.60 and revising a new Subpart H as follows.

§§ 205.7, 205.10, 205.11, 205.17, 205.19, 205.33(a), 205.52, 205.54 and 205.60 [Deleted]

Subpart H—Project Administration

Sec.

- 205.110 General.
- 205.111 Definitions.
- 205.112 Implementation of OMB Circular A-102 (Rev.).
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Subpart H—Project Administration

§ 205.110 General.

This subpart provides guidance for administration of Federal assistance for State and local governments, and qualifying private nonprofit institutions under Pub. L. 93-288, as amended. The basic policies and procedures are provided for (a) Federal grants to eligible applicants, including the notice of interest, damage survey report, project application, advance of funds, inspection, audit, and final payment; and (b) direct Federal assistance by a Federal agency as the result of a mission assignment. The requirements of OMB Circular A-102, Revised, are applicable and have been incorporated either directly or by appropriate cross reference.

§ 205.111 Definitions.

(a) "Advance of funds" means a sum of money provided to a State, local government, or other Federal agency prior to audit and/or final settlement of its claim.

(b) "Applicant" means the State, local government, or eligible private nonprofit facility submitting a project application or request for direct Federal assistance under the Act or on whose behalf the Governor's Authorized Representative takes such action.

(c) "Associate Director" means the Associate Director for Disaster Response and Recovery, FEMA.

(d) "Bid guarantee" means a firm commitment, such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(e) "Bill for collection" means a bill issued to an applicant by the Regional Director to collect excess funds that

were over-advanced or paid in error to the applicant.

(f) "Damage Survey Report (DSR)" means a report of damages or requirements caused by a major disaster or emergency including a description and estimate of required work.

(g) "Emergency work" means that work which must be done immediately to save lives and to protect property and public health and safety, or to avert or lessen the threat of a major disaster.

(h) "FEMA" means the Federal Emergency Management Agency.

(i) "Force account" means an applicant's own labor forces consisting of its regular and extra employees.

(j) "Grant-in-lieu" means all or part of a categorical grant which, when approved by the Regional Director, is used by the applicant to fund the construction of an improved replacement facility, rather than to repair or replace the damaged facility.

(k) "Line item" means a DSR under one category of work attached to a project application.

(l) "Notice of Interest" means an identification of each potential applicant and the categories of disaster requirements each has identified which may be eligible for Federal disaster assistance.

(m) "Offset" means a collection procedure whereby FEMA withholds funds due an applicant or the State in an amount to satisfy an uncollectible debt owed by the applicant on a bill for collection.

(n) "Performance bond" means a bond executed in connection with a contract to secure fulfillment of all the contractor's obligations under the contract.

(o) "Permanent work" means the restorative work that must be done, through repairs or replacement, to restore an eligible facility on the basis of its predisaster design and in conformity with current applicable codes, specifications, and standards.

(p) "Public assistance" means the Federal financial assistance provided to State and local governments or to eligible private nonprofit organizations for disaster-related requirements.

(q) "Standards" means codes, specifications, and standards which were in general use and locally enforced at the time of the major disaster, plus those additional standards authorized as deviations or prescribed by the Associate Director in accordance with these regulations.

§ 205.112 Implementation of OMB Circular A-102 [Rev.]

(a) [Reserved]

(b) *Bonding and insurance.* A State or local unit of government receiving a grant under the Act for construction or facility improvement which requires contracting shall follow its own requirements relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding \$100,000. For contracts exceeding \$100,000, the minimum requirements are as follows:

(1) A bid guarantee from each bidder equivalent to 5 percent of the bid price.

(2) A performance bond on the part of the contractor for 100 percent of the contract price.

(3) A payment bond on the part of the contractor for 100 percent of the contract price.

(c) *Property management standards.* Uniform standards governing the utilization and disposition of property furnished by the Federal Government or acquired in whole or in part with Federal funds by State and local governments are applicable as stated in Attachment N, OMB Circular A-102, Revised.

(d) *Procurement standards.* State and local governments are required to apply uniform standards, as stated in Attachment O, OMB Circular A-102 Revised, in establishing procedures for the procurement of supplies, equipment, construction, and other services with Pub. L. 93-288 grant funds. Additionally, the following standards are required:

(1) *State and local statutes.* The State, local government, or other organization issuing a contract shall assure that procurement of work and services authorized under project applications complies with provisions of the Act, and with State or local statutes, regulations, and ordinances not in conflict with Federal policies or procedures.

(2) *Contingent payment.* Contracts entered into by an applicant under the Act or the regulations will not contain a provision which makes the payment for such work contingent upon reimbursement under this Act.

(3) The cost-plus-percentage-of-cost and percentage-of-construction-cost method of contracting shall not be used. Any CPPC contracts entered into by applicants in violation of this prohibition will be reviewed carefully by the Associate Director or his designee and rejected or reimbursed on a reasonable cost basis at his discretion, depending on the policy considerations involved in the particular case.

(4) *Competitive bidding.* Contracting for construction work shall be based on competitive bids wherever possible. Any negotiations shall be in accordance with Attachment O, OMB Circular A-102, Revised.

(5) *Debarred contractors.* The applicant may not enter into any contract with parties whose names appear on the FEMA Consolidated List of Debarred, Suspended and Ineligible Contractors. The Regional Director may approve the use of debarred contractors on a case-by-case basis if he determines such activity to be in the public interest.

(6) *Use of local firms and individuals.* In the expenditure of funds for eligible disaster assistance activity which may be carried out by contract with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals who reside or do business primarily in the affected political subdivisions in which such activity is being performed.

Contracting procedures should be designed to give local contractors the opportunity to participate in maximum free and open competition with other contractors. Local preference should be mentioned in the invitations for bids and requests for proposals and also included in the provisions of the contract. Contracting officers may assure the use of local firms and individuals in various ways, such as:

(i) Advertising in the local disaster area.

(ii) Including local contractors in negotiations.

(iii) Subdividing some large contracts down into smaller sized contracts.

(iv) Stressing that a contractor shall give first priority to utilizing resources in the disaster area when procuring supplies and equipment, awarding subcontracts, and employing workmen.

(v) When it is necessary for competitive negotiation, the applicant may permit a local contractor to revise his proposal to meet a lower offering received from a non-local contractor if the original proposal from the local contractor does not exceed 130 percent of the lower non-local proposal.

(vi) When a low bid is received from a non-local contractor under competitive bidding procedures, the applicant may offer a local contractor the opportunity of accepting the work at the low bid amount, provided that the original bid from the local contractor does not exceed 130 percent of the low bid.

(e) Audit requirements, as stated in OMB Circular A-102, Attachment P, are applicable to grants to eligible applicants and other grantees, as implemented by appropriate FEMA regulations and handbooks.

§ 205.113 Federal grant assistance.

(a) *General.* Federal grant assistance is provided on the basis of a project application submitted by or on behalf of

an applicant and approved by the Governor's Authorized Representative and the Regional Director. When the Regional Director approves a project application, Federal funds are obligated and the approval is final unless appealed in accordance with 44 CFR 205.102. When assistance is authorized under the Act and a State is unable to assume the responsibilities prescribed in these regulations, an Indian tribe or authorized tribal organization acting as a local government may submit a project application directly to the Regional Director who may provide Federal assistance to such applicant without State participation.

(b) *Types of Federal grants.*—(1) *Categorical grant.* (i) The terms of this type of grant require that the work shall be performed as approved in the project application.

(ii) It shall be used in all cases for:

(A) Facilities under construction; and

(B) Private nonprofit facilities.

(iii) Reimbursement to the applicant under categorical funding is limited to the actual reasonable cost of performing work approved by the Regional Director as eligible under the Act. It shall not exceed the net eligible cost not restoring a facility, based on the predisaster design of such facility and on the current applicable standards.

(iv) *Grants-in-lieu.* If a grantee desires to construct a larger or more elaborate facility as a replacement for a damaged facility, it may apply for a grant equal to that approved for repair or replacement of the damaged facility. Such replacement facility may be of a design, size or type, or composed of materials significantly different from those of the eligible damaged facility. A grant-in-lieu is available only under a categorical grant.

(A) Separate requests based on Damage Survey Reports are submitted for each grant-in-lieu.

(B) The line item in the application to which the grant-in-lieu applies is segregated from the other line items.

(C) The Regional Director's conditions of approval are stated separately for each grant-in-lieu.

(2) *Flexible funding grant (sec. 402(f) of the Act).* (i) If the estimated cost of permanently repairing, restoring, reconstructing, or replacing all damaged public facilities exceeds \$25,000, an applicant may elect to receive a grant equal to 90 percent of the Federal estimate for such permanent work instead of a categorical grant. This election allows flexibility in the use of the Federal grant. When an applicant determines that restoration of certain disaster-damaged facilities would not be in the public interest, it may choose not to

restore those facilities, but to build new public facilities, for other purposes. The applicant shall determine that any new facilities constructed are necessary to meet its needs for governmental services and functions in the disaster-affected area. Construction of all federally-assisted facilities, including any new or modified construction projects on the applicant's listing of flexibly funded projects, shall be in conformity with current applicable Federal, State, and local standards, including requirements imposed by floodplain management, environmental clearance, hazard mitigation, protection of wetlands, and insurance.

(ii) The applicant shall declare the election of flexible funding, through the Governor's Authorized Representative, to the Regional Director before the project application is approved.

(iii) A request by the applicant for a change in the type of funding after the project application has been approved shall be referred by the Regional Director to the Associate Director for decision.

(iv) Within 90 days after the date of the Regional Director's approval of the project application, the applicant shall furnish a listing of the public facilities to be repaired, restored, or constructed with the flexible funding grant; the estimated cost of each; and a proposed schedule of initiation and completion, including estimated quarterly fund requirements. The listing shall also itemize those disaster-damaged public facilities that are not being restored.

(v) Promptly after the completion of all work for which FEMA reimbursement is requested, the applicant shall submit to the Regional Director through the State, an updated listing of completed work. This listing shall contain a description of each completed project and a certification by the Applicant's Authorized Representative of the actual cost of each project involved.

(3) Small-project grant (sec. 419 of the Act).

(i) In any case in which the Federal estimate of an applicant's eligible costs for restoration under section 402 of the Act of damaged or destroyed facilities owned by the applicant, and debris removal and emergency protective work under sections 403 and 306 of the Act, respectively, total less than \$25,000, the Regional Director may approve the applicant's project application for a small-project grant. This approval is in lieu of approval by the Regional Director of any other grant under section 306, 402, or 403 of the Act.

(ii) The grant approved by the Regional Director is based on 100

percent of the estimated eligible costs. Funds approved for debris removal or emergency protective work must be expended for that approved work. Funds approved for permanent restorative work may be expended (A) to perform all approved projects on the Damage Survey Reports or (B) to perform certain of these approved projects, and with the balance of the approved grant to construct or restore certain other public facilities which the applicant determines to be necessary to meet the community's needs for public services and governmental functions in the disaster-affected area.

(iii) This type of grant may not be approved for private nonprofit facilities under section 402(b) of the Act.

(iv) Upon approval of a project application, the Regional Director furnishes the applicant, through the State, with a listing of approved projects. This listing includes a description and approved estimate of cost for each project.

(v) One hundred percent reimbursement to the applicant follows within 30 days after the Regional Director's approval of the project application.

(vi) Within 30 days following completion of all work performed under a small project grant, the applicant shall complete the above listing by showing the cost of the completed projects, including any alternate projects substituted for those originally approved. This listing shall also include the applicant's certification that all work listed is completed and that all funds were expended in accordance with the purposes of section 419 of the Act, and these regulations. Any funds which remain unused after the applicant has exercised the available options shall be returned to the Regional Director.

(vii) The only permissible basis for increasing Federal funding in a small project grant is a substantive error or omission in defining the approved scope of work or in the approved estimated reasonable costs of such work. Federal funding may be reduced where the applicant fails to comply with applicable laws or FEMA regulations and procedures including noncompliance with assurances, illegal contracting methods, duplication of benefits and nonconformity with applicable standards. If a supplement to a project application is warranted, and it would increase the small project grant to an amount exceeding \$25,000, the entire grant shall revert to a categorical grant or a flexible funding grant, as approved by the Regional Director.

§ 205.114 Project applications.

(a) *General.* This section describes the basic policies and procedures for processing project applications. The Governor's Authorized Representative is responsible for providing technical advice and assistance when required by an applicant in order to obtain eligible Federal grant assistance. All project applications, advances of funds, claims, appeals, payments, refunds, and other related correspondence between a local government or other applicant and the Regional Director, shall be forwarded through the office of the Governor's Authorized Representative for that official's review and appropriate action. This applies to all applicants for public assistance unless otherwise stated. (Refer also to 44 CFR 205.113(a)).

(b) *Applicants' briefing.* As soon as possible following the President's declaration of an emergency or a major disaster, the Regional Director and the Governor's Authorized Representative jointly schedule and conduct meetings for all potential applicants for public assistance. Requirements and procedures for requesting and obtaining available public assistance are explained at these meetings. Applicants are furnished informative material, including handbooks and a fact sheet.

(c) *Notice of interest.* Each applicant submits a Notice of Interest which provides the basis for scheduling the damage surveys.

(d) *Damage Survey Reports.* Damage surveys are usually conducted by a Federal-State inspection team. An authorized local representative accompanies the Federal/State inspection team and is responsible for representing the applicant and assuring that all damage and needs for assistance are inspected. The inspectors record pertinent information on a Damage Survey Report, including a description of the damage, proposed repairs or replacement, and the inspectors' best estimate of the cost of the recommended work. These reports also cover work performed prior to these surveys, but which occurred within the eligible time period and the designated area.

(e) *Project applications.* Project applications for Federal funding are prepared for the signature of the applicant's authorized agent and submitted through the Governor's Authorized Representative to the Regional Director for approval. The scope of work and amount of funding requested in the project application are based on Damage Survey Reports, plus such additional documentation as the Regional Director considers necessary. In applying for assistance, the applicant

certifies to certain assurances as part of the project application.

(1) *Time limitations for submittal.*

Project applications and supplements for all projects requested by each applicant shall be submitted as promptly as possible within 60 days after a declaration of a major disaster or within 30 days after declaration of an emergency. When circumstances beyond the applicant's control warrant such action, the Regional Director may at the State's request extend these time limitations. Supplements that cover changes in scope of work or increases in estimates of eligible costs for projects previously approved shall be submitted within 60 days after determination by the applicant that such changes in scope or cost increases are necessary.

(2) *Funding option.* When the total estimated costs requested in the project application exceed \$25,000, the applicant has a choice of the type of funding that best suits its needs, either a categorical or flexible funding grant. (See § 205.113(b)(1) and (2)). This choice is made on the project application by the applicant. If the applicant chooses flexible funding, then the basic project application shall include only debris clearance, emergency protective measures, and other eligible emergency work and shall be handled as a categorical grant. Permanent work that is otherwise eligible for flexible funding assistance will be included in a supplement(s) to the basic project application.

(f) *Advances of funds.* (1) Final settlement does not occur until the applicant completes all approved work for which a claim is made, and pays all related bills. At the applicant's request, funds may be advanced to meet the current obligations for eligible work and those anticipated for the coming 60 days. An advance does not constitute final approval by FEMA of a grant; advances are discretionary and are designed to the convenience of the applicant. Further advances of funds may be made as necessary; however, the total of advanced funds may not exceed the percentage agreed upon by the Regional Director and the Governor's Authorized Representative. The advance of funds is based on a project application approved either as a categorical or flexible funding grant. The applicant may request an advance of funds at the time its project application is submitted or after the project application is approved, depending upon the applicant's need.

(2) States, as well as applicants for categorical or flexible funding grants, shall adopt procedures which minimize the time elapsing between the transfer

of funds from the United States Treasury to the State or grantee and their subsequent disbursement by the grantee for authorized program purposes.

(g) *Supplemental project applications.* Supplemental project applications under a categorical grant may be submitted by or on behalf of an applicant for new or additional work, or for other increases in funding found to be necessary after the basic project application was submitted.

(h) *State review and approval.* The Governor's Authorized Representative(s) shall review all project applications and supplemental project applications and shall recommend approval or disapproval. Every project application shall contain a certification by the Governor's Authorized Representative that (1) Federal funds requested will be, or have been, expended in accordance with applicable law and regulations, and (2) the project application meets all the requirements and conditions of the Federal-State Agreement and other terms established by the Regional Director. In addition, the State agrees to take any necessary action to require compliance by the applicant with its assurances and agreements, or to assume responsibility to the Federal Government for any deficiencies not resolved to the satisfaction of the Regional Director.

(i) *Regional Director's review and approval.* The Regional Director reviews the project application and supplemental project applications for eligibility of work, reasonableness of costs, and other considerations. He/she then notifies the applicant through the Governor's Authorized Representative of the approval or disapproval, and conditions, if any. Funds are obligated upon the Regional Director's approval, and advances may be made any time after obligation of funds. In the case of a small-project grant, final reimbursement is made when the Regional Director approves the project application.

§ 205.115 Documentation.

All recipients of Federal grants must maintain adequate disbursement and accounting records of the costs incurred on approved disaster work so that the documentation required by State or Federal audit can be made available. The requirement for auditable records applies to categorical, flexible funding, and small-project grants. Original or source documents must be available for audit purposes, and documentation must be available to auditors at one central office of record.

§ 205.116 Project performance.

(a) The primary responsibility for managing the approved projects rests with the applicant.

(1) *Force account.* Eligible work may be performed under force account. The applicant may use its own equipment or other publicly owned equipment. The applicant may rent privately-owned equipment to perform eligible disaster-related work. Each applicant using force account should maintain adequate, auditable records for each line item of eligible work.

(2) *Contract.* Eligible work may be performed partially or totally by contract.

(b) *Time limitations for completion of work.* (1) *Emergencies.* Federal emergency assistance shall terminate no later than one month after the determination that an emergency exists, except:

(i) Based on extenuating circumstances beyond the control of the applicant, the Regional Director may extend the time limitation not to exceed an additional two months.

(ii) Based on a determination that such action is warranted, the Associate Director may extend the time limitation completion date beyond three months when requested to do so by the State.

(2) *Major disasters.* (i) Eligible time periods for public assistance begin with the President's declaration of a major disaster and, except for the situations described in subparagraph (ii) below, shall terminate upon expiration of these prescribed deadlines:¹

	Completion ¹ deadlines
(A) Debris clearance.....	6 months
(B) Emergency work.....	6 months
(C) Permanent work.....	18 months

¹These time limitations apply to categorical grants and to grants involving flexible funding under sections 402(f) and 419 of the Act. The Regional Director may require an applicant to submit a completion schedule through the State for this approval.

(ii) *Exceptions.* (A) Based on extenuating circumstances or unusual project requirements beyond the control of the grantee, the Regional Director may extend any of these deadlines for a period not to exceed 180 days on a project-by-project basis.

(B) Based on a determination that such action is warranted, the Associate Director may extend any of the deadlines prescribed by this action.

(iii) The Regional Director may impose lesser deadlines for completion of work under paragraph (b)(2)(i) of this section if considered appropriate.

(iv) When an applicant fails to make a timely start of work approved under the

¹The Regional Director may also impose deadlines under this subparagraph for initiation of work.

Act, the Regional Director shall review the project approval and may suspend or withdraw his approval of Federal funding.

(c) *Progress reports.* For any permanent projects that the applicant does not expect to complete within 18 months from the date of the disaster declaration, the applicant shall submit work schedules with the application or supplement for approval by the Governor's Authorized Representative and by the Regional Director. When required by the Regional Director or the Governor's Authorized Representative, the applicant shall provide the Governor's Authorized Representative with periodic progress reports of scheduled work, outlining any problems and unforeseen circumstances that are expected to result in a slippage in the schedule. The Governor's Authorized Representative may use such reports to take action to eliminate the causes of delays and to identify projects that may require time extensions. The Governor's Authorized Representative shall provide the Regional Director with copies of these progress reports together with comments and a report of actions taken. Any changes in approved schedules must be justified by the applicant and approved by the Governor's Authorized Representative and by the Regional Director.

(d) *Requests for time extensions.* If an applicant finds that an approved project cannot be completed within the time limit prescribed by the Regional Director, the applicant shall forward promptly to the State a request in writing for additional time, together with justification for delay in completion of the project. The Governor's Authorized Representative shall forward the request with a recommendation to the Regional Director. The Regional Director shall notify the applicant, through the State, of approval or denial. Requests for time extensions beyond the Regional Director's authority are forwarded by the Regional Director to the Associate Director for his action.

(e) *Cost overruns.* During the execution of approved work under categorical grants, the applicant may find that overruns are occurring on the actual costs of certain projects, compared to the approved estimates on the Damage Survey Reports. Such cost overruns fall into two main categories: (1) Overruns because of variations in unit prices and (2) overruns because of change in scope of eligible work. The applicant should report these situations to the Governor Authorized Representative immediately so that appropriate actions can be taken to

verify eligibility of the overruns. An interim inspection by a Federal inspector may be necessary. Upon verification of eligibility documented by amended Damage Survey Reports, a supplemental project application to cover the overrun may be submitted.

§ 205.117 Final Inspections.

(a) For any categorical grant, flexible funding grant, or small project grant, the Regional Director or the Associate Director, may require such Federal or State inspections, not otherwise required by these regulations, as he/she deems necessary.

(b) The following requirements for Federal final inspection are applicable to categorical grants and to flexible funding grants:

(1) For any project of completed work for which the claimed amount of FEMA reimbursement exceeds \$10,000, a Federal final inspection is required.

(2) For any project of completed work for which the claimed amount of FEMA reimbursement does not exceed \$10,000, the Regional Director may accept a certification by the applicant's Authorized Representative, describing the project and certifying the claimed actual costs in sufficient detail to permit a desk review by the Governor's Authorized Representative and by the Regional Director. For those projects not adequately certified, the Regional Director shall require a State or Federal final inspection.

(c) Reference 44 CFR 205.113(b)(3)(vi), the Regional Director shall require a State or Federal final inspection of any project of work completed under a small project grant as he/she deems necessary.

(d) The Governor's Authorized Representative shall arrange for and schedule final inspections, and interim inspections, which he/she deems necessary, plus those additional inspections required by the Regional Director. The Governor's Authorized Representative shall assure that all of these inspections are conducted and completed effectively and in a timely manner.

§ 205.118 Claims for reimbursement.

(a) *Submittal.* To receive reimbursement for funds expended under a categorical grant or flexible funding grant, the applicant shall submit a claim to the State within 60 days after the completion of approved work, including a listing of actual costs for each line item. All costs claimed shall be paid by the applicant prior to approval of final settlement by the Regional Director. Under a small project grant, the applicant shall submit a

request for reimbursement with the project application. If the applicant completes the work approved under a categorical grant for an amount less than \$25,000, the Regional Director may, at his/her discretion, approve a change in funding to a small project grant, and reduce the amount originally approved to the amount of the actual cost.

(b) *Audit.* (1) Reference 44 CFR 205.112(e), the Governor's Authorized Representative shall arrange for State audit to be made for each categorical or flexible funding grant as soon as possible after receiving the applicant's claims. Audit of small project grants is not normally required. Documentation must be available to auditors at the grantee's central office of record. The Regional Director or the Associate Director may request a Federal audit of any claim, regardless of amount or type of funding.

(2) The FEMA or State auditors, the Governor's Authorized Representative, the Regional Director, the Associate Director, and the Comptroller General of the United States or their duly authorized representatives shall for the purpose of audit and examination have access to any books, documents, papers, and records that pertain to Federal funds, equipment, and supplies received under these regulations.

(3) *Federal audit.* The FEMA Inspector General and the General Accounting Office have audit responsibility. Thus, a Federal audit may be performed on any claim if deemed necessary by the FEMA Inspector General and/or the General Accounting Office.

(c) *Partial payments.* In any case where an applicant has completed part of the approved work, has received the maximum advance of funds available, and still lacks funds to satisfy all project-related obligations, the Regional Director may approve partial payments. The basis for approval of such payments are urgent financial need, satisfactory inspection reports, and audit of the applicant's records upon which the partial payment is based.

(d) *Review and approval.* (1) *State.* Following audit, the Governor's Authorized Representative reviews the claim and, based on the audit report and related documents, approves a certain amount on the claim to be submitted to the Regional Director for approval. The State shall submit the claim and the audit report to the Regional Director within 60 days of the date that the applicant submitted the claim to the Governor's Authorized Representative.

(2) *Regional Director.* Following his/her review of the claim and audit report, the Regional Director may approve or disapprove it. An approved claim will

then be processed for payment. If the Regional Director does not agree with the State audit recommendations, he/she may request a Federal audit. If he/she does not agree with the Federal audit recommendations and the matter cannot be resolved at the Regional level, the case is forwarded to the Associate Director for resolution. The Regional Director or the Associate Director may require additional Federal audits as he/she deems necessary.

§ 205.119 Federal funding.

(a) *Management of Federal funds.* The State shall properly account for all Federal funds made available to the State under these regulations as Federal funds in the accounts of the State. In each case, the State agency concerned shall provide such authenticated reports as the Associate Director or the Regional Director may require, covering the status and application of the funds, the liabilities and obligations on hand, and other pertinent information.

(b) *Release of Federal funds for State or local governments.* Requests for advance of funds or reimbursement that are approved by the Regional Director are forwarded to the FEMA National Office, where they are processed to the U.S. Treasury for payment.

(c) *Recovery of excess advances from State or local governments.* (1) A bill for collection will be issued to the State immediately upon verification that the applicant has received funds in excess of the amount approved by the Regional Director as final settlement of its claim. In the event that there is an appeal by the applicant pending, the bill for collection may not be issued until the appeal is settled by the Regional Director or the Associate Director. The States shall advise applicants that the bills for collection are due upon receipt and that any appeals of the bills must be filed with the Regional Director within the time limits established in 44 CFR 205.120.

(2) If by the expiration of the period for appeals the Regional Director has not received payment for the full amount of the bill for collection, he/she shall notify the appropriate State official in writing for transmittal to the applicant that the amount owed is past due, and that the claim is being referred to the Claims Collection Officer for further action. This action may include offset against future claims for disaster relief from the applicant or the State.

(d) *Disposition of interest earned on advances for funds.* (1) From the time that the State disburses advances of Federal funds to local applicants or to applicant State agencies, any interest

earned on those funds must be paid to the Federal Government.

(2) If an applicant incurs disaster-related obligations, discharges those obligations with its own funds, and uses the advanced funds to reimburse its own accounts, the applicant does not have to remit any interest earned to the Federal Government.

(3) States do not have to remit interest earned on advanced funds that are held briefly pending disbursement for immediate program purposes, i.e., to advance to eligible applicants for their disaster-related expenses.

(e) *Return of overadvanced funds by other Federal agencies.* Other Federal agencies shall promptly return to FEMA any advances of funds which are excess to their requirements in carrying out assignments made to them by FEMA.

§ 205.120 Appeals.

(a) An applicant may request the Governor's Authorized Representative to submit an appeal to the Regional Director for reconsideration of any determinations that the Regional Director made related to Federal Assistance for that applicant. The applicant's written request shall be made within 60 days of the date of the Regional Director's action that is being appealed and shall include such additional information as is appropriate for justification. However, in the event that the additional information is not immediately available, the applicant shall within the 60-day period notify the State in writing of its intention to appeal, and shall then follow up with the required documentation.

(b) The State shall forward such appeals within 30 days of receipt of the appeal from the applicant, together with the State's comments, recommendations, and any additional information it may have.

(c) Upon receipt of an appeal, the Regional Director shall review the material submitted and make such additional investigation as he/she deems appropriate. Following the review and investigation, the Regional Director shall notify the State, in writing, of his/her decision to grant or deny the appeal. If the decision is to grant the appeal, the Regional Director shall take such additional action as is necessary to implement his/her decision.

(d) If the Regional Director denies the appeal, the applicant may request the State to submit a second appeal to the Associate Director. Such appeal shall be made in writing through the Regional Director, and shall be submitted not later than 60 days after receipt of notice of the Regional Director's denial of the

appeal. Action by the Associate Director is final.

(e) If an applicant requests the State to make an appeal to the Regional Director or to the Associate Director in accordance with this section and the State declines, or takes no action on the request, the applicant may make an appeal directly to the Regional Director. The appeal by the applicant shall be made in writing within 60 days after receipt from the State of the notice of determination by the Regional Director, or notification by the State, that it will not make an appeal.

(f) Based on a determination that such action is warranted, the Associate Director or the Regional Director may extend any of the time periods prescribed by his section.

§ 205.121 Direct Federal assistance.

(a) Neither eligible emergency work, nor eligible permanent work under the provisions of section 402 of the Act, may be performed by or under the direct supervision of a Federal agency except in certain circumstances. When in rare cases the State or local government lacks the capability to perform or to contract for the eligible work, the applicant may request that the work be accomplished by a Federal agency. Such assistance is subject to eligibility criteria for proposed work contained in Subpart E—Public Assistance—of these regulations.

(b) *Requests.* (1) *The applicant shall* submit requests for direct Federal assistance through the Governor's Authorized Representative for the Regional Director's approval.

(2) Requests must be made within 90 days after a major disaster declaration, and within 30 days after an emergency declaration, unless those periods are specifically extended or shortened by the Regional Director.

(3) The request shall be in the form of a resolution by the governing body of an eligible applicant, and shall include its agreement to—

(i) Provide without cost to the United States all lands, easements, and rights-of-way necessary to the accomplishment of the approved work; and

(ii) Hold and save the United States free from damages due to the requested work, and shall indemnify the Federal Government against any claims arising from such work.

(4) The request shall be accompanied by—

(i) A statement of the reasons why the emergency work cannot be performed by the applicant, by any other local government, or by the State; and

(ii) Assurance by the applicant of compliance with Title VI of the Civil

Rights Act of 1964, Pub. L. 88-352, 78 Stat. 241 (42 U.S.C. 2000d-2000d-4), and section 311, Pub. L. 93-288.

(c) *Approval*—(1) *State*. If the Governor's Authorized Representative concurs that the emergency work is necessary and cannot be accomplished by the applicant, by another local government, or by the State, he/she shall endorse the applicant's request for direct Federal assistance and forward it to the Regional Director.

(2) *Regional Director*. (i) If the Regional Director approves the request, he/she shall issue a mission assignment to the appropriate Federal agency. The assignment letter to the agency shall define the scope of eligible work. Prior to execution of work on any project, the Federal agency shall submit a Damage Survey Report to the Regional Director for review and approval to establish the scope of eligible work and approved cost limitations. The Federal agency shall not exceed the limit on funding approved by the Regional Director without obtaining prior approval of supplemental funding.

(ii) If all or any part of the requested work falls within another Federal agency's statutory authorities and capabilities, the Regional Director shall not approve it. Instead, he/she shall refer the request to the other Federal agency for action.

(d) *Project management*—(1) *Federal agency responsibilities*. The performing Federal agency shall ensure that the work is performed and completed in accordance with the Regional Director's approved scope of work, costs, time limitations, and applicable standards. The performing Federal agency shall also keep the Regional Director, the Governor's Authorized Representative, and the applicant advised of work progress and other developments. The Federal agency is also responsible for obtaining any necessary permits or licenses; for compliance with applicable State and local laws or other requirements; and for compliance with these regulations and other applicable handbooks or guidance by the Regional Director. The Federal agency shall also provide a final inspection report signifying completion of the approved work which has been signed by the Federal agency's inspector and the applicant's authorized agent.

(2) *Applicant responsibilities*. The applicant shall assist the performing Federal agency in all support and local jurisdictional matters that a private owner would assume in a relationship to a performing contractor. These matters include securing local building permits

and rights of entry, control of traffic and pedestrians in the interest of safety and public welfare, and compliance with local building ordinances.

§ 205.122 Availability of materials.

For the purposes of this section, "construction materials" shall include building materials and materials required for repair or replacement of housing, public facilities, or normal farm and business facilities.

The Regional Director may, at the request of the Governor of an affected State, provide for a survey of construction materials needed in the disaster affected area on an emergency basis for housing repair, replacement housing, public facilities repairs and replacement, farming operations, and business enterprises and may take appropriate action to assure the availability and the fair distribution of needed materials. Where possible, such action may include the voluntary allocation of such materials for a period of not more than 180 days after the major disaster. The Regional Director shall implement any allocation program to the extent possible by working with and through those companies that traditionally supply construction materials in the affected area.

(Sec. 601, Disaster Relief Act of 1974, Pub. L. 93-288, 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148 (44 FR 43239); and Delegation of Authority (44 FR 44792)).

Issued at Washington, D.C., December 10, 1979.

Thomas R. Casey,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-38857 Filed 12-19-79; 8:45 am]

BILLING CODE 6718-02-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Health Services Administration

45 CFR Part 3

Conduct of Persons and Traffic on Certain Federal Enclaves; Proposed Rulemaking

AGENCIES: National Institutes of Health (NIH) and Health Services Administration (HSA), Public Health Service.

ACTION: Proposed Rule.

SUMMARY: The National Institutes of Health and Health Services Administration of the U.S. Public Health

Service are proposing to revise the regulations governing the conduct and traffic on the National Institutes of Health reservation in Bethesda, Maryland, to (1) simplify the language (2) make minor additions and (3) to extend coverage to the U.S. PHS Hospital on Staten Island, over which the United States has exclusive criminal jurisdiction. These changes are necessary to make the regulations more understandable to the public, and to implement delegations of authority to protect persons and property at the Staten Island facility.

DATES: Comments must be received on or before February 19, 1980, in order to assure that PHS will be able to consider such comments in preparing the final regulations.

ADDRESS: Send written comments on the proposed regulations in duplicate to Mr. Lowell D. Peart, Regulations Officer, National Institutes of Health, Bethesda, Maryland 20205.

FOR FURTHER INFORMATION CONTACT: William G. Ketterer, Senior Attorney, NIH, Office of the General Counsel, Room 2B-50, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205.

SUPPLEMENTARY INFORMATION: Notice is hereby given that NIH and HSA of the U.S. Public Health Service propose to amend 45 CFR Part 3 to improve readability by simplifying the language and to make minor changes, including (1) addition of a provision governing lost money and other personal property, and (2) an amendment of the nondiscrimination provision by adding reference to handicap and age. In addition, it is proposed to extend applicability of these regulations to the U.S. Public Health Service Hospital, Staten Island, over which the United States has exclusive criminal jurisdiction. This is necessary in order to implement the delegation of authority under 40 U.S. Code 318 from the Administrator of General Services, to the Secretary (41 FR 34346), and redelegated to the Administrator, Health Services Administration (44 FR 15774), to make needful rules and regulations for the protection of persons and property at that hospital. Amending Part 3 to apply to the Staten Island facility will obviate necessity to promulgate a separate set of regulations.

It is therefore proposed to revise 45 CFR Part 3 to read as set forth below:

Dated: October 11, 1979.

Donald S. Fredrickson,
Director, National Institutes of Health.

Dated: November 9, 1979.

George I. Lythcott,
Administrator, Health Services
Administration.

PART 3—CONDUCT OF PERSONS AND TRAFFIC ON CERTAIN FEDERAL ENCLAVES

Subpart A—General

- 3.1 Definitions.
- 3.2 Applicability.
- 3.3 Compliance.
- 3.4 False reports and reports of injury or damage.
- 3.5 Identification.
- 3.6 Lost and found articles.
- 3.7 Nondiscrimination.

Subpart B—Traffic Regulations

- 3.21 Emergency vehicles.
- 3.22 Inspection of driver's license and registration.
- 3.23 Parking.
- 3.24 Parking permits.
- 3.25 Pedestrian traffic.
- 3.26 Servicing of vehicles.
- 3.27 Signs.
- 3.28 Speed limit.
- 3.29 Unattended vehicles.

Subpart C—Buildings and Grounds

- 3.31 Admission to grounds or facilities.
- 3.32 Nuisances and disturbances.
- 3.33 Other restricted activities.
- 3.34 Removal of property.

Subpart D—Penalties

- 3.41 Penalties.
Authority: Sec. 1-5, 62 Stat. 281, as amended, 75 Stat. 574 (40 U.S.C. 318-318d); sec. 205, 63 Stat. 389, as amended, 64 Stat. 591, 76 Stat. 414 (40 U.S.C. 486); Delegations of Authority, 33 FR 604, 41 FR 19162, 34346, 44 FR 15774.

Subpart A—General

§ 3.1 Definitions.

As used in this part—

"Department" means the Department of Health, Education, and Welfare;

"Director" means the officer immediately in charge of the respective enclaves covered by this part.

"Enclave" means, respectively—

(a) the area, containing about 307 acres, comprising the National Institutes of Health (NIH) located in Montgomery County, Maryland, over which the United States acquired exclusive criminal jurisdiction under Chapter 158 of the Laws of Maryland 1953; Article 98, Section 34, Maryland Code Annotated (1964).

(b) the area, containing about 24 acres, comprising the U.S. Public Health Service Hospital located in Staten Island, Richmond County, New York, over which the United States acquired exclusive criminal jurisdiction under Chapter 57, State Law, of the Consolidated Laws of New York, by virtue of a deed of cession dated October 13, 1931, (Laws of New York, 1932, Appendix, page 1493):

"Law enforcement office" means a uniformed guard or a U.S. Special Policeman appointed under a delegation of authority under 40 U.S. Code 318; any other Federal law enforcement officer; and any other person whose law enforcement services are secured by contract or upon request from a State or local law enforcement agency.

§ 3.2 Applicability.

(a) The regulations in this part apply to all areas in the enclave and to all persons on or within the enclave, except as otherwise provided. They provide penal sanctions as prescribed in § 3.41, and are in addition to administrative rules such as those prescribed by Directors for their respective enclaves pursuant to 5 U.S. Code 301. They supplement those penal provisions of Title 18, U.S. Code, relating to Crimes and Criminal Procedure, which apply without regard to the place of the offense and those penal provisions which are applicable in areas under the special maritime and territorial jurisdiction of the United States, as defined in 18 U.S. Code 7. However, they supersede those provisions of State law which are made Federal criminal offenses by virtue of the Assimilative Crimes Act (18 U.S. Code 13) to the extent that they are in conflict with the regulations in this part. State and local criminal laws are applicable as such only to the extent that authority in that regard has been reserved to the State by State cession statute or vested the right by Federal statute.

(b) The following provisions of this part do not apply to occupants, their visitors and other authorized persons in areas of the enclave used as living quarters: § 3.24 Parking permits; § 3.26 Servicing of vehicles; § 3.33(e) Pets and animals; and § 3.33(c) Hobbies and sports.

§ 3.3 Compliance.

A person must comply with the regulations in this part; with all official signs; and with the lawful directions or directory orders of a law enforcement officer or other authorized person; including traffic and parking directions.

§ 3.4 False reports and reports of injury or damage.

A person may not knowingly give any false or fictitious report concerning an accident or violation of the regulations in this part to any person properly investigating such an accident or alleged violation. All incidents resulting in injury to persons or damage to property must be reported by the persons involved as soon as possible to the law enforcement office.

§ 3.5 Identification.

At the request of a law enforcement officer, a person must provide identification by exhibiting satisfactory credentials (such as a driver's license) to the law enforcement officer.

§ 3.6 Lost and found articles.

Lost articles, which are found on the enclave, including money and other personal property, and including any identifying information, must be deposited at the law enforcement office or with an office which may likely have some knowledge of ownership. If the article is deposited with an officer other than the law enforcement office and the owner does not claim it within 30 days, it shall be deposited at the law enforcement office for further disposition as provided by law.

§ 3.7 Nondiscrimination.

To the extent not otherwise prohibited by 18 U.S. Code 245, a person may not discriminate by segregation or otherwise against any other person(s) because of age, color, creed, handicap, national origin, race or sex, in furnishing or by refusing to furnish to that person(s) the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided within the enclave.

Subpart B—Traffic Regulations

§ 3.21 Emergency vehicles.

A person must yield the right of way to an emergency vehicle operating its siren or flashing lights.

§ 3.22 Inspection of driver's license and registration.

A motor vehicle operator must exhibit for inspection a valid operator's license and valid motor vehicle registration upon the request of a law enforcement officer.

§ 3.23 Parking.

(a) No person may stand (vehicle stopped with or without an occupant) or park a motor or other vehicle:

(1) In a lane, space, or area not designated by sign for parking, except that vehicles may be left standing in

areas where parking, but not standing, is specifically prohibited;

(2) On a sidewalk;

(3) Within an intersection or crosswalk;

(4) Within 10 feet of a fire hydrant, 5 feet of a driveway or 30 feet of a stop sign or traffic control signal;

(5) In a double-parked position;

(6) At a curb painted yellow;

(7) On the side of a street facing oncoming traffic;

(8) In a position that would obstruct traffic;

(9) For a period in excess of 24 hours, except at living quarters or with specific permission of the law enforcement office.

(b) Bicycles, motorbikes, and similar vehicles must be parked only in designated areas and may not be brought inside buildings.

(c) Visitors must park in areas identified for that purpose by posted signs or similar instructions such as "visitor parking" and "reserved for visitors."

(d) A person may not drive or park an unauthorized motor vehicle on a grassy area without the approval of the law enforcement office.

§ 3.24 Parking permits.

Except for visitors parking in visitor parking areas, a person may not park a motor vehicle without displaying a parking permit valid for that location. The Director may revoke any parking permit for violation of this section, or any provision of this part.

§ 3.25 Pedestrian traffic.

A driver must yield the right-of-way to a pedestrian crossing a street in a marked crosswalk or intersection.

§ 3.26 Servicing of vehicles.

A person may not wash, polish, change oil, lubricate, or make nonemergency repairs on privately-owned vehicles.

§ 3.27 Signs.

A driver of a vehicle must comply with posted traffic and parking signs.

§ 3.28 Speed limit.

The speed limit is 20 miles per hour, unless otherwise posted.

§ 3.29 Unattended vehicles.

A person may not leave a motor vehicle unattended with the engine running, the ignition unlocked or locked with the key in a readily accessible place in the vehicle, or the brakes ineffectively set.

Subpart C—Buildings and Grounds

§ 3.31 Admission to grounds or facilities.

The enclave is officially closed to the public except during normal working and visiting hours or for approved public events. In emergency situations and at such other times as the Director deems necessary to ensure the orderly conduct of Government business, the enclave may also be officially closed. When the enclave is closed to the public, admission is restricted to authorized persons who may be required to display Government credentials or other identification when requested by a law enforcement officer and may be required to sign a register.

§ 3.32 Nuisances and disturbances.

The following acts by a person are prohibited: any unwarranted loitering, disorderly conduct, littering, or disposal of rubbish in an unauthorized manner; the creation of any hazard to persons or property; the throwing of articles of any kind from or at a building; the climbing upon any part of a building for other than an authorized purpose; the loud playing of radios or other similar devices; and rollerskating, skateboarding, sledding or similar activities, except in officially designated areas.

§ 3.33 Other restricted activities.

(a) *Explosives and weapons.* A person, other than a law enforcement officer, may not carry, transport, or otherwise possess, firearms, other dangerous or deadly weapons, explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or covertly. The Director may grant specific approval for such purposes as the possession of firearms for collections or hunting, the delivery or removal of money, or the protection of a display of valuable materials.

(b) *Gambling.* A person may not operate gambling devices, conduct a lottery or pool, sell or purchase numbers tickets, or take or place bets, except that participation in living quarters in games for money or otherwise for incidental recreational purposes is authorized.

(c) *Hobbies and sports.* Hobbies and sports may be undertaken only in designated areas or as approved by the Director.

(d) *Intoxicants and narcotics.* A person may not sell, consume, or use intoxicating beverages, narcotics or other similar drugs, except in connection with official duties, in the course of professional treatment, or, in the case of consumption or use of intoxicating beverages, in living quarters, or as

otherwise authorized by the Director. A person may not operate a motor vehicle while under the influence of an intoxicating beverage or drug.

(e) *Pets and other animals.* A person may not bring on the enclave any cat, dog, or other animal except for authorized purposes. This prohibition does not apply to bringing on the enclave and the retention of domestic pets at living quarters or to the exercise of such pets under leash or other appropriate restraints. The use of a dog by a handicapped person to assist that person is authorized.

(f) *Photography.* Photography for personal or news purposes is permissible without prior approval on the grounds of the enclave or in entrances, lobbies, foyers, corridors, and auditoriums of facilities when used for public meetings, except when contrary to security regulations, or where prohibited by appropriate signs. Photographs for advertising or commercial purposes are subject to the advance written permission of the Director. A person may take photographs of a patient only with the informed consent of the patient (or a natural or legal guardian) and of the Director, or, with respect to NIH, the Director, Clinical Center, NIH.

§ 3.34 Removal of property.

A person may not remove Federal property from the enclave or any building thereon without a property pass, signed by an authorized property custodian, which specifically describes the items to be removed. In an emergency, when the property custodian is not available, a law enforcement officer may approve removal of such property if, after consulting with the administrative officer or other appropriate official, the law enforcement officer is authorized by that official to do so. Privately-owned property, other than that ordinarily carried on one's person, may be removed only under the property pass procedure described above or by properly establishing ownership of the property to a law enforcement officer. Packages, briefcases, or other containers brought within the enclave are subject to inspection while on, or being removed from, the enclave.

Subpart D—Penalties

§ 3.41 Penalties.

A person found guilty of violating any provision of the regulations in this part is subject to a fine of not more than \$50 or imprisonment of not more than thirty

days, or both, for each such violation (40 U.S. Code 318c):

[FR Doc. 79-39063 Filed 12-19-79; 8:45 am]
BILLING CODE 4110-08-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 79-326; RM-3305; RM-3341]

FM Broadcast Stations in Fayette and Port Gibson, Miss.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes, in the alternative, the assignment of a first Class A FM channel to either Fayette, Mississippi, or Port Gibson, Mississippi, in response to conflicting petitions filed by Fayette Broadcasters and Donald G. Manuel, respectively. The proposed channel could provide one of the communities with its first fulltime local aural broadcast service.

DATES: Comments must be filed on or before February 8, 1980, and reply comments must be filed on or before February 28, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak or Mark Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 10, 1979.

Released: December 18, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments, FM Broadcast Stations* (Port Gibson and Fayette, Mississippi), BC Docket No. 79-326, RM-3305, RM-3341.

1. The Commission herein considers two separate petitions, each requesting the institution of rule making toward the assignment of a first FM assignment. Although they deal with separate communities, Port Gibson and Fayette, Mississippi, the proposals are mutually exclusive because the communities are only 32 kilometers (20 miles) apart, whereas 105 kilometers (65 miles) is required. We will therefore consider them together.

Port Gibson, Mississippi (RM-3305)

2. On December 29, 1978, Donald G. Manuel ("Manuel"), filed a petition proposing the assignment of FM

Channel 249A to Port Gibson.¹ No responses to the petition were filed.

3. Port Gibson (pop. 2,589),² seat and largest city of Claiborne County (pop. 10,088), is situated approximately 84 kilometers (52 miles) southwest of Jackson, Mississippi. It is served locally by daytime-only AM Station WKPG, licensed to petitioner.

4. Manuel asserts that the proposed assignment would provide Port Gibson and Claiborne County with a needed first local nighttime aural service. He states that a fulltime facility would provide a continuously available source of storm and flood warnings in addition to entertainment programming, local news and public affairs especially during the evening and nighttime hours. Manuel has submitted demographic data in order to demonstrate the need for a first FM assignment to Port Gibson.

Fayette, Mississippi (RM-3341)

5. On February 5, 1979, Fayette Broadcaster ("FB") filed a petition requesting the assignment of FM Channel 249A to Fayette, Mississippi. An opposition to the proposal was filed by Manuel.

6. Fayette (pop. 1,725), the seat of and largest city in Jefferson County (pop. 9,295), is located approximately 32 kilometers (20 miles) south of Port Gibson. It has no local aural broadcast service.

7. FB states that the proposed station would provide Fayette with a local station which could be used to broadcast news, weather bulletins, and discussion of local public issues. FB has submitted a community profile of Fayette in order to show a need for a first local service to the community.

8. In opposing comments, Manuel contends that Fayette and surrounding Jefferson County are significantly less populous than Port Gibson and Claiborne County. He disagrees with FBI's claim that Fayette is beginning to experience development, citing slight gains in population and employment estimates. He states that there has been only a slight population increase in Fayette and a significant drop of 53% in Jefferson County's population since 1970, according to the Census Bureau's

¹ Manuel had previously requested that its petition be considered as a part of Docket 78-367 in which an FM channel was assigned to Clinton, Louisiana. Manuel argued that the proceedings were related because the same preclusion area was involved. By *Report and Order* released July 13, 1979, the Commission indicated that since no interest had been expressed for a channel in any of the precluded communities and the Port Gibson petition could not be considered a counterproposal, it would be acted on separately.

² Population figures are taken from the 1970 U.S. Census.

current estimates for 1970-1976. The estimate for Claiborne County for the same period is an 11.4% increase. Manuel asserts that in light of Port Gibson-Claiborne County's location near the Grand Gulf nuclear plant, plus recent flooding along the nearby Pearl River, a fulltime local station is needed to broadcast news and information in the event of safety problems. He contends that because of Port Gibson-Claiborne County's greater public safety needs, the significantly larger population, and its rapid recent growth, the assignment of Channel 249A to Port Gibson would be more in the public interest than a Fayette assignment.

9. We have determined that there is no other FM channel available for assignment to either community. It has been our policy in comparing conflicting requests for first FM assignments to favor those communities seeking a first local aural service, particularly when the competing requests involve communities of comparable size. See *South Pittsburg, Tenn.* and *Stevenson, Alabama*, Docket 20339, 40 FR 51040 (1975), *aff. on recon.* Mimeo No. 04632 (1976). In that case, we stated that Stevenson (1970 pop. 2,390) was the clear choice over South Pittsburg (1970 pop. 3,613) since Stevenson would otherwise be deprived of an opportunity for a local radio outlet whereas South Pittsburg already had a daytime-only AM station. In the present case this would call for the assignment of the channel to Fayette. Nevertheless, we shall provide Manuel with the opportunity to demonstrate that there is another option, for example, an AM frequency which could provide Fayette with its first local aural service or that the other factors should weigh more heavily. Therefore, we shall propose, in the alternative, the assignment of Channel 249A to Port Gibson or Fayette, Mississippi.

10. In view of the foregoing, it is proposed to amend the FM table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Fayette and Port Gibson, Mississippi, as follows:

City	Channel No.	
	Present	Proposed
Fayette, Mississippi or		240A
Port Gibson, Mississippi		249A

11. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

12. Interested parties may file comments on or before February 8, 1980, and reply comments on or before February 28, 1980.

13. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.
Henry L. Baumann,
Acting Chief, Policy and Rules Division,
Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. The will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 79-39028 Filed 12-19-79; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 78-368; RM-3155]

FM Broadcast Stations in Rio Grande City, Tex., and Roma-Los Saenz, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Second further notice of proposed rule making.

SUMMARY: Action taken herein proposes the substitution of Class A FM channels at Rio Grande City, Texas, and proposes the assignment of a Class A FM channel to Roma-Los Saenz, Texas. Petitioner, Tele-View, Inc., states the proposed assignments could provide both Roma-Los Saenz and Rio Grande City with a first local aural broadcast service.

DATES: Comments must be filed on or before February 8, 1980, and reply comments must be filed on or before February 28, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Second Further Notice of Proposed Rule Making

Adopted: December 10, 1979.
Released: December 18, 1979.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Rio Grande City and Roma-Los Saenz, Texas), BC Docket No. 78-368, RM-3155.

1. On July 18, 1979, the Commission adopted a *Further Notice of Proposed Rule Making*, 44 FR 44574, proposing the deletion of FM Channel 249A from Rio Grande City, Texas, and its reassignment to Roma-Los Saenz, Texas, in response to a petition filed by Tele-View, Inc. Supporting comments were filed by petitioner. Opposing comments were filed by Hispanic Media Enterprises ("Hispanic") to which petitioner responded.

2. Previously the Commission had proposed in a *Notice of Proposed Rule Making*, 43 FR 54111, to assign Channel 285A to Roma-Los Saenz, and thereby avoid the deletion of the Rio Grande City channel. However, the Mexican authorities from whom concurrence was required, advised that the assignment of Channel 285A to Roma-Los Saenz would conflict with their proposed use of the same channel at San Rafael de las Torillas.

3. Roma-Los Saenz (pop. 2,154),¹ in Starr County (pop. 17,707), is located on the Rio Grande River, approximately 129 kilometers (80 miles south of Laredo, Texas. It has no local aural broadcast service. Rio Grande City (pop. 5,676), the seat of Starr County, also has no local aural service. Channel 249A (unoccupied and unapplied for) is the only FM channel assignment in Rio Grande City.

4. Petitioner claims that the population of Roma-Los Saenz is rapidly increasing due to the legal immigration of Mexican nationals into the community. It asserts that there are no AM, FM, or television stations in Starr County.

5. Hispanic opposes the deletion of Channel 249A from Rio Grande City, stating that it is in the process of preparing an application for its use in that community.

6. In reply, petitioner asserts that it is reluctant to contest the interest expressed for the use of Channel 249A at Rio Grande City. In an effort to provide both communities with a first FM assignment, petitioner submitted an engineering study which indicates that Channel 276A can be substituted for Channel 249A at Rio Grande City, thus making Channel 249A available for reassignment to Roma-Los Saenz. Channel 276A can be assigned to Rio Grande City provided the transmitter site is located approximately 1.6

¹ Population figures are taken from the 1970 U.S. Census.

kilometers (1 mile) north of the community.

7. We recognize that petitioner's counterproposal has been advanced in reply comments, contrary to § 1.420(d) of our rules. However, the Commission believes it would be in the public interest to issue a Second Further Notice of Proposed Rule Making proposing the substitution of Channel 276A for Channel 249A at Rio Grande City, and the reassignment of Channel 249A to Roma-Los Saenz. In doing so, it will provide both parties an opportunity to comment on these proposals which could result in bringing a first local aural broadcast service to both communities. No additional delay is expected from this extra step in soliciting comments since, in any event, concurrence in both proposed assignments must be obtained from Mexico.

8. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with respect to the cities listed below, as follows:

City	Channel No.	
	Present	Proposed
Rio Grande City, Texas.....	249A	276A
Roma-Los Saenz, Texas.....		249A

9. Since both Rio Grande City and Roma-Los Saenz are located within 320 kilometers (199 miles) of the United States-Mexico border, the proposed assignments are subject to concurrence by the Mexican Government.

10. Authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before February 8, 1980, and reply comments on or before February 28, 1980.

12. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time the notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at

the Commission or oral presentation required by the Commission.

Federal Communications Commission,
Henry L. Baumann,
Acting Chief, Policy and Rules Division,
Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 79-39030 Filed 12-19-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-327; RM-3487]

FM Broadcast Station in Warsaw, Ky.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Proposed assignment of a first Class A FM channel to Warsaw, Kentucky, in response to a petition filed by Charles N. Cutler. The proposed channel would provide for a station which could render a first local aural broadcast service to the community.

DATES: Comments must be filed on or before February 8, 1980. Reply comments must be filed on or before February 28, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 10, 1979.

Released: December 18, 1979.

In the matter of Amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Warsaw Kentucky), BC Docket No. 79-327, RM-3487.

1. Petitioner, Proposal, Comments:

(a) A petition for rulemaking¹ was filed by Charles N. Cutler ("petitioner"), proposing the assignment of Channel 288A to Warsaw, Kentucky, as its first FM assignment. No responses to the petition were received.

(b) The channel can be assigned in compliance with the minimum distance separation requirements provided the transmitter site is located approximately 12.8 kilometers (7 miles) southwest of Warsaw.

(c) Petitioner states that he will apply for the channel, if assigned.

2. *Community Data*—(a) *Location.* Warsaw, in Gallatin County, is located approximately 48 kilometers (30 miles) southwest of Cincinnati, Ohio.

¹ Public Notice of the petition was given on September 19, 1979, Report No. 1182.

(b) *Population.* Warsaw—1,232²; Gallatin County—4,134.

(c) *Local Aural Broadcast Service.* There is no local aural broadcast service in Warsaw.

3. Since it is necessary to impose a transmitter site limitation of 7 miles to comply with the Commission's mileage separation requirements to Station WUBE-FM, Channel 286, Cincinnati, Ohio, petitioner should furnish information demonstrating that a city grade signal to Warsaw can be provided. See § 73.315(a) of the Commission's rules. This showing should include information indicating the nature of the terrain between the transmitter site and the community.

4. Since Warsaw is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 288A to Warsaw requires coordination with the Canadian Government before it can be assigned.

5. In view of the apparent need for a first aural broadcast service in Warsaw, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the rules, as it pertains to Warsaw, Kentucky, as follows:

City	Channel No.	
	Present	Proposed
Warsaw, Kentucky		288A

6. Authority to institute rulemaking proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.— A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before February 8, 1980, and reply comments on or before February 28, 1980.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a * message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the

²Population figures are taken from the 1970 U.S. Census. Petitioner states that there has been a 25% population increase in Warsaw between 1960-1970.

Commission or oral presentation required by the Commission.

Federal Communications Commission.
Henry L. Baumann,
Acting Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1819 M Street NW., Washington, D.C.

[FR Doc. 79-33029 Filed 12-19-79; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 78-101; FCC 79-778]

Multiple Ownership of Television Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: This action refused to adopt rules restricting the acquisition of a third VHF or fourth TV station in the top-fifty television markets. The proceeding, begun on the Commission's motion, was intended to explore whether there was a trend toward concentration in ownership which necessitated such rules. Since the feared trend toward concentration could not be substantiated, the Commission decided rules were not needed. It also decided to discontinue use of a policy of giving special scrutiny to applications involving such acquisitions.

EFFECTIVE DATE: Non-Applicable.

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

FOR FURTHER INFORMATION CONTACT: Jonathan David, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: Adopted: November 29, 1979.

Released: December 18, 1979.

By the Commission: Chairman Ferris issuing a separate statement in which Commissioners Fogarty and Brown join.

In the Matter of Amendment of § 73.636(a) of the Commission's Rules (Multiple Ownership of Television Stations); BC Docket No. 78-101, (43 FR 40888, September 13, 1978).

1. We have before us our joint *Notice of Inquiry and Notice of Proposed Rule Making* ("Notice") in this proceeding, 68 F.C.C. 2d 837 (1978), 43 FR 17982 (1978), and the comments and reply comments filed in response to it. The parties which filed comments and reply comments are listed in the Appendix.

Background

2. This proceeding was begun to consider the multiple ownership implications of group ownership of stations in the top fifty television markets. In fact, the Commission already has a series of rules limiting the multiple ownership of broadcast

stations. These rules are found at 47 CFR 73.35 (AM), 73.240 (FM), 73.636 (TV), and 76.501 (CATV-broadcast cross ownership). The rules are premised on a concern for insuring diversity in sources of programming and information, and for fostering economic competition. Both goals are thought to be served by limiting the ownership of the media of communications—broadcast stations, daily newspapers, and CATV systems—which a single entity could have. Although both are important, the Commission has placed principal reliance on insuring diversity in sources of information because of the part such diversity serves in reaching First Amendment goals.

3. The Commission already has a rule (§ 73.636) which limits TV ownership to seven stations, not more than five of which can be VHF. Thus, the present "Top-Fifty" Policy was intended to supplement this rule by countering any possible trend toward the concentration of ownership of TV stations in the larger markets into fewer hands.¹

As adopted in 1968, the policy requires those seeking to acquire a fourth TV station (either UHF or VHF) or third VHF station in the top fifty television markets to make a "compelling public interest showing" of "the benefits in detail that are relied upon to overcome the detriment with respect to the policy of diversifying the sources of mass media communications to the public." *Multiple Ownership of TV Broadcast Stations*, 22 F.C.C. 2d 696, 700 (1968).

4. As described in the present *Notice*, the "Top-Fifty" Policy represented a compromise position between no rule at all and a rule which would disallow the creation of common ownership of more than three TV stations or more than two VHF stations in the top fifty markets.² Since then the Commission has considered a number of cases subject to the policy. In each case, the Commission

¹ Although the Commission at that time concluded that the available data did not support adoption of a rule to limit "Top-Fifty" acquisitions, it did decide to continue a "Top-Fifty" policy so that it could better follow ownership developments.

² When it began the rule making proceeding, *Television Multiple Ownership Rules*, 5 R.R. 2d 1609 (1965), the Commission had proposed to follow an "Interim Policy" of designating for hearing any application in conflict with the proposed rule "(a)bsent a compelling affirmative showing to the contrary." *Interim Policy on Television Multiple Ownership*, 5 R.R. 2d 271, 272 (1965). For a short time prior to the commencement of the rule making, the Commission had a more stringent Interim Policy of designating for hearing an application to acquire a second VHF station in the top fifty markets "(a)bsent a compelling affirmative showing." *Hearings on applications for Second VHF Stations*, 3 R.R. 2d 909, 911 (1964). No applications were ever designated for hearing pursuant to either of the two Interim Policies; several "showings" were accepted.

has been persuaded by the applicant's "compelling showing" and has granted the application without a hearing.³

5. Our *Notice* suggested that, in light of this history of the application of the "Top-Fifty" Policy, it might be appropriate to eliminate the policy as unnecessary. On the other hand, the document also requested comments on whether the policy should be retained, strengthened or otherwise modified. To help gather useful information, the *Notice* posed several questions, the most important being directed to determining if there had been a continued trend toward concentration of ownership of TV stations in the top fifty markets. Questions in paragraph 14 of the *Notice* invited the submission of economic analyses of the effects of concentrated ownership. Then, in paragraph 15, we asked whether, if the policy were to be retained, the factors considered should be changed, for example, to include the market share of an applicant as a criterion.

Comments

6. Comments were filed by various TV group owners, urging that the "Top-Fifty" Policy be abolished, and by Citizens Communications Center ("Citizens") and by the National Black Media Coalition ("NBMC"), urging that it be enforced and indeed strengthened. Although the parties did not discuss all of the questions raised in our *Notice*, they did comment extensively on whether concentration of ownership of major market TV stations was increasing, and whether top fifty market multiple owners provided more and better news, public affairs, and local programming. We will briefly summarize the issues raised in the comments to set the stage for our discussion of how to resolve these issues.

Concentration

7. In arguing that there is either more or less concentration now than in the past, the parties focused on the numbers of top fifty market stations said to be group owned now and at some earlier date. However, the counts of different parties often differed. This led them to reach different conclusions about the trend in ownership patterns.

8. Opponents of the "Top-Fifty" Policy told us that there is less concentration of ownership now than there was in 1968, when the policy was adopted, or in 1964,

³ To date there have been about 19 cases. Over the years, the Commission has continued to apply a similar standard in judging each of the showings of these applicants. In several cases this included consideration of petitions to deny or other objections.

when it had its beginnings. For example, the Evening News Association says that in 1968, there were 224 commercial TV stations in the top fifty markets, compared with 232 today. There had been an increase in the number of groups owners and the number of stations held by them. In 1968, thirty-one group owners (with two or more stations in the top fifty markets) held 104 stations but in 1978, thirty-four owners held 121 stations. However the increase in group owners has been almost entirely in groups with two or three stations. In fact, we were told, the percentage of stations owned by groups with four or more stations had decreased 2% since 1968. Also, the average number of stations held by a group owner in 1968 was 3.61, but in 1978, the figure had dropped to 3.53. At the same time the average number of stations per market increased from 4.18 to 4.86. Going beyond overall numbers of stations and owners, parties argued that the potential for concentration in the top fifty markets is not very great because of our seven station rule, and it is even less now than it had been earlier. Corinthian Broadcasting Corporation says that in 1964, the top ten markets included almost 40% of all TV households, and the top fifty almost 75%. By 1978, those percentages had dropped to 33% and 67%, respectively. According to NBC, even if one entity acquired the most popular (VHF) stations in the top five markets and the most popular UHF stations in the next two markets, it would have no more than 4.99% of the prime time audience in the country, based on the market shares of those stations.⁴

9. On the other hand, Citizens supports a "Top-Fifty" Policy, arguing that there is more concentration now. It says that in 1965, there were 170 commercial stations in the top fifty markets, of which 119 (70%) were group owned, and that in 1978, there were 223, of which 151 (68%) were group owned. It points out that there were 51 group owners in 1965, and 45 in 1978, so each owns more stations now. In 1965, it asserts that there were 20 multiple owners whose holdings violated the "Top-Fifty" Policy but that in 1978, the number was 27. It says ten group owners have market shares jointly making up half the top fifty audience and that the top fifty markets have 67% of the TV households. Citizens argues that allowing this amount of group ownership drives up the sale prices for stations, making it impossible for local and minority companies to purchase the

⁴ In fact, no licensee has such a group of stations, so the actual figure is below 4.99%.

stations, since they cannot afford to pay as much as larger owners.

10. Citizens, in discussing concentration and the degree of competition, says that the relevant geographic market⁵ is the national TV market in the fifty largest population centers, and the product market is the potential advertising revenue for each station's owners. It offered a showing that TV stations controlled by groups violating the "Top-Fifty" Policy limits collected more advertising income in 1976 than competing stations controlled by non-multiple owners. It says this creates substantial barriers to entry. Thus it believes minority owners, if not priced out of TV transfers, may have a difficult time sustaining successful operation of their stations:

11. A contrary viewpoint is expressed by group owners. They argued that there are no problems of anticompetitive practices or concentration for which a "Top-Fifty" Policy would be needed. For one thing, they question the idea that the top fifty markets together could be one geographic market for the purpose of analyzing concentration. They say that advertisers seek audiences in specific markets, not simply in fifty unrelated markets. If an advertiser wants national exposure, it buys from a network. If it wants to reach one city, it does not matter that a station there may be group owned. If an advertiser desires to make a regional buy in several markets which are in some way related, it is unlikely that it would want to purchase the particular cities in which a group owner happened to have stations. As to the product market, even at the level of individual cities, they said that, both in competing for advertising revenues and for audience, station owners face more competition in the larger markets than the smaller markets, because the larger markets have more TV stations, as well as other media.

Programming

12. Group owners say they offer the only challenge to network domination of programming, and offer more and better programming than individually owned stations. Group owners claim to have organized Operation Prime Time⁶ to provide alternative programming. The groups also cite examples of programs

⁵In order to measure competition in a market, it is necessary to define that market in terms of both the product and the geographical area of the market.

⁶Operation Prime Time ("OPT") is an "occasional" network which underwrites original programming for television and organizes a temporary network of independents and affiliates for the distribution of network-quality material. Programming to date has primarily been mini-series adapted from novels. OPT functions about four times a year.

and series they produced for their own stations and then offered to other stations by syndication. Metromedia points to the large production facility it constructed, which gives producers an alternative to using network facilities. These things, we are told, can only be financed through the financial resources of using economies of scale available to the group owner.

13. NBC analyzed the programming of groups with five stations and found they provided substantially more news, public affairs, and local programming than the average station. ABC examined EMMY awards given for programming in such areas as public affairs, news, children's shows, documentaries or specials and found that 221 or 96% went to commercial group-owned stations, seven to noncommercial stations, and two to single-owned stations. Metromedia stated that, due to the unwillingness of the networks to sell independent stations their tapes of national and international news, it and some other groups and single stations organized the Independent Television News Association,⁷ as an alternative source for national and international news. Also, we are told that group owners are better able to resist local political and economic pressures in their investigative reporting and editorializing.

14. NBMC responded that, contrary to what group owners said, there is no difference in the amount of local programming done by group owned stations and single stations. When market size of stations owned by groups and non-groups is considered, it said that there are no significant differences in percentage of time for local news and public affairs and the level of parity of Black employment. In fact, WCVB, a single-owned station, leads the Boston market in local programming, according to Citizens. NBMC rejected the fourth network argument, insisting that there has been group ownership of TV stations for years, and yet no fourth network has developed.

Miscellaneous

15. NBMC says that the "Top-Fifty" Policy encourages minority programming and employment even if it has no effect on concentration of ownership. To qualify for waiver, they assert, an applicant must propose something extra. NBMC indicates that it has used the policy as a bargaining chip.

⁷The Independent Television News Association ("ITNA") is an organization of individual stations which pay a weekly fee in exchange for taped news stories from its Washington bureau, from member stations, and outside sources.

16. Group owners argued that group ownership is necessary for successful UHF development, alleging that Metromedia, Field, Taft, and Storer acquired failing UHF stations and improved them with massive infusions of money. On the other hand, Citizens says that most UHF stations are built by single owners and only bought by groups if they become profitable.

Discussion

17. There are three basic courses open to us: (1) Adopt a "Top-Fifty" rule, (2) continue some form of "Top-Fifty" Policy, or (3) reject both as not justified. We believe that continuing top fifty ownership restrictions in effect is not appropriate unless it can be established that there is a concentration problem and that the present multiple ownership rules are inadequate to deal with this problem. For the most part, the following discussion concentrates on whether a rule should be adopted. Although the policy approach option is available, experience gained during the more than 10-year existence of the present policy argues against this choice. First of all, the feared trend toward concentration has not developed even though on each of the 19 occasions when the issue arose, the Commission agreed to permit a group owner to acquire the top fifty stations it sought. Contrary to the expectations of 1968, many new licensees entered the field, and as discussed more extensively below, thus lessened the level of concentration in these markets. In considering the subject, the Commission has also been able to benefit from the experience gained through enforcement of the policy. During this period the Commission acted on 19 requests which were governed by the current "Top-Fifty" Policy. In each instance, the Commission was able to find that important benefits⁸ could be expected to flow from the proposed acquisition, and on that basis it approved each of the requests. Clearly, then, the Policy did not have a practical effect on the ownership of these stations. As to any possible effect elsewhere, it is impossible to be absolutely certain. Nonetheless, it is important to recognize that there is no data whatever to indicate that the Policy worked to deter the filing of any additional top fifty proposal. In fact, no party suggested, much less proved, that the Policy had an

⁸These benefits varied from case to case but typically involved enhanced service to the area. Often this included additional programming directed to local needs generally or to serve the minority community specifically. Likewise, on occasion, additional efforts in the area of equal employment activities were involved as well.

effect on anyone's investment decision. With these facts in mind, we have no basis to believe that continuing with a policy approach is likely to be productive.⁹

18. To determine whether the adoption of a rule is appropriate, we must focus on the two central questions: Have the developments in ownership patterns in the top fifty markets borne out the concerns of increased concentration which provided the basis for the "Top-Fifty" Policy in 1968; and have the existing multiple ownership rules been shown to be inadequate to respond to any valid concerns which might arise. The goals to be achieved by our multiple ownership rules (and the "Top-Fifty" Policy) are the preservation of the diversity of sources of news and information and the prevention of undue economic concentration. We shall examine the record in the light of these concepts to determine whether there are any gaps in our present rules which a "Top-Fifty" or similar rule would rectify.

Local Diversity

19. We generally think of diversity in terms of program voices in the community. For an extended discussion of diversity, see the *First Report and Order* in Docket No. 18110, where we adopted the one-to-a-market rule, 22 F.C.C. 2d 310-314 (1970). Diversity of program voices or sources of information available to any particular audience or individual viewer is affected by the number of owners of media in the city in which the audience is located, but the "Top-Fifty" Policy offers no benefit in this regard as it applies only to ownership of stations in different cities. Thus, a "Top-Fifty" Policy or rule would not be expected to affect the number of voices anyone received off the air. In fact, it is largely irrelevant to diversity on the local level. This is the case because the viewer usually can receive only one station of a particular group owner.¹⁰ Thus, in any local sense, the "Top-Fifty" Policy is not going to alter the number of voices available. In fact, it has been argued that group ownership can contribute to the diversity in the kind or amount of information received by viewers in that

⁹ Even without a policy, the Commission retains the authority to designate for hearing any application which raises substantial public interest issues. Thus, the Commission would be in a position to deal with any such situation should it arise in connection with a proposed top fifty acquisition.

¹⁰ It is possible to imagine a situation in which the "Top-Fifty" Policy might have some small impact if it affected the ownership of additional outside stations that are brought to a cable TV subscriber, but the impact is minimal at best and this alone does not form the proper basis for adoption of a rule.

a station with out-of-town resources may be more likely to pursue vigorous investigative reporting.¹¹

20. It is also important to bear in mind that we have taken a number of actions directly related to enhancing local diversity. At the same time the Commission terminated the original "Top-Fifty" rule making and decided to deal with any top fifty problems on an *ad hoc* basis, it commenced a comprehensive rule making proceeding on broadcast multiple ownership, Docket No. 18110.¹² As a result, important new multiple ownership rules were adopted which restrict cross ownership in the same market to one AM-FM combination or one TV station, or one daily newspaper. While most existing combinations were grandfathered, we required divestiture in certain egregious newspaper/broadcast combination situations. *Multiple Ownership*, 50 F.C.C. 2d 1046 (1975), *reconsideration denied*, 53 F.C.C. 2d 589 (1975). Our regional ownership rule, adopted in 1977, takes the concept of local diversity a step further to restrict a party to two stations within a 100 mile radius. *Multiple Ownership Rule*, 40 F.C.C. 2d 23, *reconsidered*, 41 R.R. 1525 (1977). In addition, we have started a proceeding looking toward the possibility of applying multiple ownership rules to noncommercial educational stations, *Multiple Ownership-Educational FM and TV Stations*, 68 F.C.C. 2d 831 (1978). Just recently we started a proceeding¹³ proposing to eliminate the multiple ownership exceptions permitting case-by-case treatment of applications involving UHF stations which would otherwise violate the one-to-a-market or regional concentration rules. In addition, we have taken or are considering a series of actions which look toward the creation of new, competitive outlets. These include the Low Power Television proceeding in BC Docket 78-253 (43 FR 38436, August 28, 1978), and the additional VHF assignments in larger markets proposed in the "VHF Drop-in" proceeding in Docket 20418 (40 FR 17321,

¹¹ Moreover, local diversity has also been helped by a series of technical and business developments. The 2.8 million cable TV households in 1968 grew to 13.6 million by January 1, 1979, according to the National Cable Television Association. These and other developments suggest that the trend is toward an increased variety of programming available to the individual viewer.

¹² The Commission adopted the *Notice of Proposed Rule Making*, 33 FR 5315, April 3, 1968, on March 27, 1968. Another proceeding, Docket No. 18397 (*Notice of Proposed Rule Making*, 15 F.C.C. 2d 417 (1969)) resulted in multiple ownership rules for CATV, including cable/broadcast cross ownership rules.

¹³ *Notice of Proposed Rule Making* in BC Docket 79-233, 44 FR 55603, published September 27, 1979.

March 18, 1975), as well as the Clear Channel (AM) proceeding which has a similar approach suggested in the *Notice of Proposed Rule Making* in Docket 20642 (40 FR 58467, December 17, 1975).

National Diversity

21. Apart from diversity available to any particular audience, we have expressed our concern about the possibility of increased concentration of media ownership resulting in a reduction of diversity on a national level. Here, too, rules directly addressing the matter exist and are strictly enforced. A single owner is limited to five VHF stations and a total of seven TV stations (§ 73.636). This places a considerable limit on the holdings of an owner and, as NBC pointed out, effectively limits a group's share of the total national audience to under 5%, no matter what stations are included in the seven station total. It is also true that the actual situation has never reached this theoretical level. Likewise it is important to recognize the fact that network news and public affairs programming presently blankets the country more thoroughly than any group of seven stations could.

22. While we agree that maximizing the diversity of viewpoints is an important goal, we cannot agree that the "Top-Fifty" Policy or rule would offer a meaningful contribution beyond that provided by the present multiple ownership rules. If we think of diversity in terms of concentration of power over national opinion, it does not appear that a "Top-Fifty" Policy is really necessary in view of the large number of stations in the top fifty markets and nationwide, ownership of which is in many hands. This is especially true in the face of the promise of even more program voices in the future and with the reliance which can be placed on the already existing protections, including the five VHF/seven TV station limit.

Economic Concentration

23. The common thread running throughout all of the Commission's deliberations on the "Top-Fifty" Policy and its predecessors has been the concern about what was thought to be a trend toward increasing ownership concentration.¹⁴ Thus, the first question to be addressed is whether and to what extent there had been an increase in concentration in the top fifty markets. If there has not been a significant increase, then the basis for this concern will have disappeared, and the need for a policy or rule will have been called into question.

¹⁴ See for example the discussion in the *Report and Order* in Docket No. 18098 [22 FCC 2d 699 (1968)] in which we decided against a "Top-Fifty" rule and implemented the present policy instead.

24. Because commenting parties, using various statistical tabulations, were able to reach different conclusions about the trend in concentration,¹⁵ the Commission staff undertook its own data compilation. Further, because many of these differences stem from the use of different bases or definitions, it is appropriate to specify the way in which we believe concentration should be viewed. For purposes of comparison over time, we will use 1968 as the base since that was the year in which the Commission decided that an *ad hoc* application of a policy was a sufficient means to address whatever potential existed for increased concentration.

25. We believe that concentration is appropriately viewed along three dimensions: the number of different owners in the top fifty markets, the percentage of singly-owned outlets in the top fifty markets and the degree to which access to the nation's television households is concentrated in a few owners. The percentage of singly owned outlets in the top fifty markets provides us with an indication of whether group owners are gaining a larger share of an increasing number of outlets. The number of different owners in the top fifty markets indicates whether ownership of the increasing number of operating stations is falling into fewer and fewer hands. Finally, access to audience is the critical dimension in terms of diversity of viewpoint. Since the "Top-Fifty" policy is an extension of the seven station rule, rather than the "duopoly" or regional concentration rules, the question of diversity must be framed in terms of access to the nation rather than to a specific local market or region.

26. The following tabulation summarizes the data gathered by our staff relating to the number and percent of singly-owned outlets:

	1968	1978
Number of stations in top fifty markets ¹⁶	230	242
Number of singly-owned stations in top fifty markets ¹⁷	94	91
Percent of singly-owned stations in top fifty markets	40.9	37.6

¹⁶Stations include those operating with CP's, as well as those licensed. The top fifty markets are ranked by Arbitron's prime time household in February 1978. The same markets are used for 1968 data for consistency although some markets in the 1968 Arbitron top fifty ranking were replaced by others in the 1978 ranking.

¹⁷"Singly-owned" in this tabulation includes stations that are owned by group owners who own only one station in the top fifty markets. In 1968, there were 21 such owners included here; in 1978, there were 23.

¹⁵We should point out that there is little dispute over the accuracy of most of the figures submitted. The differences in conclusions appear to arise from the use of different sets of data or from different measures of concentration.

Thus, there has been a slight drop, by three stations or 3.3 percentage point, in the singly-owned stations over the last decade.

27. The data relating to the number of owners in the top fifty markets is summarized in the following tabulations:

	Number of TV stations owned in the top 50 markets		Number of different owners		Percent of total owners	
	1968	1978	1968	1978	1968	1978
1	94	91	69.6	67.4		
2	16	17	11.9	12.6		
3	10	9	7.4	6.7		
4	4	5	3.0	3.7		
5	8	9	5.9	6.7		
6	3	3	2.2	2.2		
7	0	1		0.7		
Total	135	135	100.0	100.0		

28. Thus, over 10 years, the number of owners in the top fifty markets remained the same. Further, although the number of owners with only one station in the top fifty markets decrease by three, the percentage of owners with three or more stations (*i.e.*, those of concern in terms of the "Top-Fifty" Policy) has only increased slightly since 1968. That is, in 1968, 25 owners (18.5%) had 3 or more stations, but, in 1978, 27 owners (20.0%) had 3 or more stations. Therefore, there does not appear to be any significant increase in major group owners and only a minor reduction in owners of one station in the top fifty markets over the last 10 years.

29. Also, in terms of potential audience reach, the data collected by our staff does not present a convincing picture of national concentration resulting from group ownership in the top fifty markets.¹⁸ The top fifty markets in 1978 encompassed about 67% of the television households in the United States and about the same percentage in 1968. Given the limit set by our seven station rule, a group owner with one station in each of the top seven markets would potentially reach only 28% of the nation's households. Furthermore, the top fifty markets are the very markets with the greatest number of competing voices, so that each owner's expected share of that potential audience will be much less.

30. The actual experience with group ownership reveals figures much lower

¹⁸The television industry is nevertheless concentrated nationally because each of the three major networks reach virtually 100% of the U.S. Homes. However, the question of network domination of the industry is the subject of a separate proceeding. See *Network Inquiry*. Neither a "Top-Fifty" Policy nor a rule would alter this situation.

than the hypothetical 28% limit mentioned. Thus, excluding the stations owned by the three major television networks,¹⁹ the potential audience reached by the 50 largest group owners (which includes stations and audiences outside the top fifty markets) is indicated in the following tabulation.²⁰

Percent of TV households:	Number of groups
20 to 25	1
15 to 20	1
10 to 15	2
5 to 10	9
1 to 5	37
Less than 1	0
Total	50

Thus, 74% of the largest groups reach less than 5 percent of U.S. households, 96% reach less than 15 percent and none reaches more than 25 percent.

31. As a practical matter, therefore, in terms of national program diversity, we do not see that ownership of more than one station in the top fifty markets creates a problem that is so substantial as to require either a retroactive or proscriptive prohibition of such ownership.

32. In economic terms as well, potential access to less than 25% of the nation's households does not lead us to expect to find barriers to competition in either the program or advertising markets, especially since actual share of this potential audience is not likely to exceed 5% of the nation's households. Further, no factual evidence was submitted in this proceeding that supports any allegation of economic harm resulting from the present level of concentration in the top fifty markets.

33. We wish to emphasize that, although many of the comments received in this proceeding addressed themselves to the pros and cons of group ownership in general, we have viewed this proceeding not as one addressing multiple ownership *per se*, but as one addressing only the question of whether a policy or rule relating to group ownership in the largest markets is appropriate.

34. In summary, we find no substantial trend over the past decade toward increasing concentration of ownership in the top fifty markets. Nor do we find evidence of substantial harm to either diversity of viewpoint or economic competition that warrants a rule or policy as an adjunct to our other multiple ownership rules which would

¹⁹Because the networks, as program distributors through their owned stations and non-owned affiliates, reach virtually all U.S. homes.

²⁰This tabulation is reproduced from the tabulation presented in the Network Inquiry Special Staff report: "An Analysis of the Network Affiliate Relationship in Television," October 1979, p. 1-9.

be aimed solely at ownership in the top fifty markets. Moreover, we believe that this action today is in keeping with the dictates of the Court's opinion in the *Home Box Office* case²¹ where the Court of Appeals emphasized that we must state clearly the harm we seek to remedy and the reasons for supposing that such harm exists. Without such harm, it follows that a rule or policy would be inappropriate.

Procedural Matters

35. Finally, we need to consider one procedural issue which has been raised. Metromedia filed a motion to strike Citizens' reply comments. Citizens opposed it, and Metromedia filed a reply to the opposition. Metromedia's argument is that Citizens' reply comments contained new matter and falsehoods, relating to a private antitrust suit against Metromedia, and therefore that the reply comments should be stricken. Citizens disputes Metromedia's characterization of its reply comments and argues that the alleged new matter was relevant to statements made in the comments by group owners concerning the competitive environment of the industry. Metromedia cites precedents striking new matter in reply pleadings filed in adjudicatory proceedings, pursuant to § 1.45(b) of the Rules.

36. Reply comments in rule making proceedings, however, are governed by § 1.415(c), which does not specifically forbid new matter, unlike § 1.45(b), which provides, "The reply shall be limited to matters raised in the oppositions. * * * Section 1.415(c) contains no such limitation, merely providing, "a reasonable time will be provided for filing comments in reply to the original comments * * *". While we would not ordinarily expect new and controversial matter to be introduced in reply comments, rule making proceedings are different from adjudicatory proceedings. The purpose of a rule making is to gather all relevant information to formulate a rule of general applicability rather than resolving rights, and wrongs vis-a-vis a particular party. If necessary, we can, of course, authorize additional pleadings where requested by parties. At to any possible falsehoods, Metromedia had an opportunity to and did respond to the alleged new matter. Since these pleadings were filed just a short time after the due date for reply comments,

they did not delay the proceeding. For these reasons we will not strike Citizens' reply comments.

Conclusions

37. After examining and reflecting on the record, we have concluded that a "Top-Fifty" Policy or rule would not significantly contribute to the goals of the multiple ownership rules—increased diversity of sources of information and increased competition beyond what is now contributed by the seven station "duopoly" and regional concentration rules. Further, there does not seem to be any significant problem of concentration of ownership of top fifty television stations in fewer and fewer hands, which such a policy or rule would be designed to remedy or forestall. For these reasons, too, we have decided to eliminate the use of the current policy.²²

38. Therefore, it is ordered, That the "Top-Fifty" Policy is deleted, and it is further ordered, That this proceeding is terminated.

39. It is further ordered, That the Motion to Strike filed by Metromedia is denied.

Federal Communications Commission.*
William J. Tricarico,
Secretary.

Attachment: Appendix.
J. Warren Binnis, Jr.
Larry C. Seeley
Alan L. Weiser
WIXT Television, Inc.
Hubbard Broadcasting, Inc.
Field Communications Corporation
American Broadcasting Companies, Inc.
AST Station Companies
Viacom International, Inc.
Belo Broadcasting Corporation
General Electric Broadcasting Company, Inc.
National Association for the Advancement of Colored People; Office of Communication of the United Church of Christ; National Council of La Raza; National Organization for Women; National Media Committee; and Citizens Communications Center
Post-Newsweek Stations, Inc.
Wometco Enterprises, Inc.
National Broadcasting Company, Inc.
CBS, Inc.
National Black Media Coalition
Evening News Association, Gaylord Broadcasting Company and Lee Enterprises, Inc.

²² Nonetheless, here as elsewhere, the Commission encourages broadcasters and community groups to cooperate in efforts to better serve the community.

*See attached Separate Statement of Charles D. Ferris, Chairman in which Commissioners Joseph R. Fogarty and Tyrone Brown join.

Channel Five Television Company; Channel Two Television Company; Cosmos Broadcasting Corporation; Cox Broadcasting Corporation; Guy Gannet Broadcasting Services; Multimedia, Inc.; Newhouse Broadcasting Corporation; Providence Journal Company, United Television, Inc.
Metromedia, Inc.
Corinthian Broadcasting Corporation
Rene Anselmo
Allen Parkman

Separate Statement of Charles D. Ferris, Chairman in Which Commissioners Joseph R. Fogarty and Tyrone Brown Join

Re: Top 50 Market Policy.

When this inquiry started, I said that I felt we should either reaffirm the original rationale for this policy—preventing national concentration of media control—and codify it in a rule, or eliminate our unenforced "policy."

After considerable staff study, the only conceivable rationale for our Top 50 policy appears to be that during the last decade local citizens have benefitted from the assurances broadcasters have made to give an extra boost to their affirmative public interest showing for increased group ownership in the Top 50 markets. This has resulted in additional minority and female participation in ownership, employment and programing, and programing for children and other specialized audiences in those communities.

There are several reasons why eliminating the Top 50 policy as a "bargaining chip" for the local community does not disturb me.

First, I believe that the Commission must under Section 310 of the Communications Act affirmatively find that the public interest is served by any transfer of a television license, whether or not it is of a fourth station or third VHF station in the Top 50 markets.

In "Top 50" cases we have required a "compelling public interest showing" of the benefits to be served by the transfer. But I believe that in the future local citizens can continue to raise public interest questions if they believe a multiple owner proposing to enter a new community in a Top 50—or any other—market is not providing adequate EEO and programing commitments. I trust the FCC will give serious consideration to such objections. I know that I will.

Second, I believe that the FCC is moving more aggressively to enforce across the board, as to all licensees, obligations formerly scrutinized most carefully when multiple owners applied for Top 50 market stations. We have, for example, toughened our EEO reviews on a national basis. We have created tax certificate incentives to minority ownership that apply to any transfer. And we have moved generally to reexamine television station obligations in the children's programing area. I believe this is preferable to *ad hoc* efforts to apply a stringent public interest standard only when a licensee is jumping through the hoop of our Top 50 policy.

²¹ *Home Box Office v. FCC*, 567 2d 9 (D.C. Cir. 1977), cert. denied, 434 U.S. 829 (1977).

Finally, I think the Top 50 policy is on its face irrational. It makes no distinction between acquiring four stations in the top 10 markets or four stations in markets 40-50. It left grandfathered the largest accretions of concentrated group ownership power in the industry—the network owned stations, but places roadblocks in the way of new group owners who might seek to produce or acquire programing in competition with the networks.

For these reasons, I think that to retain this policy simply because it provides additional negotiating leverage to local citizens in Top 50 market station acquisitions would be unwise. If we do become concerned in the future about national concentration of control in the Top 50 markets, I am certain that we could fashion policies that would make far more sense; but we should do so only when we are ready to codify those policies in a rule.

[FR Doc. 79-3957 Filed 12-19-79; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 44, No. 246

Thursday, December 20, 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

Soil Conservation Service

Avalon Borough Critical Area Treatment R.C. & D. Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Avalon Borough Critical Area Treatment RC&D Measure, Allegheny County, Pennsylvania.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include conservation practices to stabilize the natural waterway with rock riprap, gabions, and 1 acre of seeding.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data

developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 21, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: December 12, 1979.

Edward E. Thomas,
*Assistant Administrator for Land Resources,
Soil Conservation Service.*

[FR Doc. 79-38990 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-16-M

Coal Hollow Critical Area Treatment R.C. & D. Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

AGENCY: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Coal Hollow Critical Area Treatment RC&D Measure, Elk County, Pennsylvania.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include conservation practices on approximately 2 acres of eroding land and reduction of sediment pollution delivered to Little Toby Creek and its receiving streams.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 21, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: December 12, 1979.

Edward E. Thomas,
*Assistant Administrator for Land Resources,
Soil Conservation Service.*

[FR Doc. 79-38991 Filed 12-19-79 8:45 am]

BILLING CODE 3410-16-M

Dunbar Creek Watershed Critical Area Treatment R.C. & D. Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not

being prepared for the Dunbar Creek Watershed Critical Area Treatment RC&D Measure, Fayette County, Pennsylvania.

The environmental assessment of this Federal assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include diversions, debris basins, subsurface drains, grading, seeding, and mulching on approximately 25 acres of strip mined area.

The notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 21, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: December 13, 1979.

Victor H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 79-38939 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-16-M

Eagle Creek Watershed Flood Prevention R.C. & D. Measure, Kansas

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. John W. Tippie, State Conservationist, Soil Conservation Service, 760 South Broadway, Salina, Kansas 67401, telephone 913-825-9535.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service

Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Eagle Creek Watershed Flood Prevention RC&D Measure, Lyon County, Kansas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. John W. Tippie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention. The planned works of improvement include four single purpose flood prevention reservoirs.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. John W. Tippie, State Conservationist, Soil Conservation Service, 760 South Broadway, Salina, Kansas 67401, telephone 913-825-9535. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 21, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: December 13, 1979.

Victor H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 79-38939 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-16-M

Foster Township Community Park Land Drainage R.C. & D. Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500);

and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Foster Township Community Park Land Drainage RC&D Measure, McKean County, Pennsylvania.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

These measure concerns a plan for control of surface water and seasonal high water table. The planned works of improvement include land treatment measures affecting approximately 5 acres.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 21, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: December 17, 1979.

Edward E. Thomas,

Assistant Administrator for Land Resources, Soil Conservation Services.

[FR Doc. 79-38932 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-16-M

Marianna Borough Park Area Critical Area Treatment R.C. & D. Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228

Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Marianna Borough Park Area Critical Area Treatment RC&D Measure, Washington County, Pennsylvania.

The environmental assessment of this Federally assisted action indicate that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for erosion and sediment control. The planned works of improvement include land grading and revegetating 1.5 acres.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are in file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 21, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q)

Dated: December 12, 1979.

Edward E. Thomas,
*Assistant Administrator for Land Resources,
Soil Conservation Service.*

[FR Doc. 79-38993 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-16-M

McGuffey Community Park Land Drainage R.C. & D. Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Graham T. Munkittrick, State

Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the McGuffey Community Park Land Drainage RC&D Measure, Washington County, Pennsylvania.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage. The planned works of improvement include subsurface drains, waterways, diversions, streambank protection, grading, and critical area seeding. Total estimated construction cost is \$33,800.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 21, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q)

Dated: December 12, 1979.

Edward E. Thomas,
*Assistant Administrator for Land Resources,
Soil Conservation Service.*

[FR Doc. 79-38994 Filed 12-19-79 8:45 am]

BILLING CODE 3410-16-M

Mount Pleasant Township Park Critical Area Treatment R.C. & D. Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mt. Pleasant Township Park Critical Area Treatment RC&D Measure, Washington County, Pennsylvania.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for erosion and sediment control. The planned works of improvement include stabilization and conservation practices affecting 15 acres.

The Notice of a Finding of No Significant Impact (FNSI) had been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 21, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q)

Dated: December 12, 1979.

Edward E. Thomas,
Assistant Administrator for Land Resources,
Soil Conservation Service.

[FR Doc. 79-3895 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-16-M

Oak Street Recreation Area Critical Area Treatment R.C. & D. Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Oak Street Recreation Area Critical Area Treatment RC&D Measure, Warren County, Pennsylvania.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for erosion and sediment control. The planned works of improvement include streambank stabilization and land treatment measures.

The Notice of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 21, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Edward E. Thomas,
Assistant Administrator for Land Resources,
Soil Conservation Service.

[FR Doc. 79-3898 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-16-M

Pumpkin Run Park Public Water-Based Recreation Development R.C. & D. Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pumpkin Run Park Public Water-Based Recreation Development RC&D Measure, Greene County, Pennsylvania.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for installation of a public water-based recreation development. The planned works of improvement include recreation facilities for fishing, boating and picnicking affecting approximately 6 acres of upland wildlife habitat presently supporting limited recreation uses.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108,

telephone 717-782-2202. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 21, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q.)

Dated: December 12, 1979.

Edward E. Thomas,
Assistant Administrator for Land Resources,
Soil Conservation Service.

[FR Doc. 79-3897 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-16-M

Water Resources Project Type Activities; Nonstructural Measures

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of interim Soil Conservation Service (SCS) policy and procedures for cost sharing and implementing nonstructural measures in watershed projects, authorized flood prevention projects, and resource conservation and development measure projects.

SUMMARY: This notice provides interim instructions concerning policies and procedures for implementing nonstructural measures. They become effective on the date of this publication. Refined instructions will be developed after policies concerning nonstructural measures are finalized under President Carter's water policy directive regarding this matter.

DATES: Comments and suggestions should be on or before February 19, 1980.

ADDRESS: Interested persons are invited to submit written comments to Joseph W. Haas, Assistant Administrator for Water Resources, Soil Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013 (202-447-4527).

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013 (202-447-3527).

SUPPLEMENTARY INFORMATION: In response to President Carter's water policy directives of June 1978, the Water Resources Council has prepared proposed revisions of its Principles and Standards for Planning Water and Related Land Resource Projects and has developed proposed rules for procedures for evaluating national economic development (NED) benefits and costs

in water resource projects. The procedural manual specifies that a primarily nonstructural plan will be prepared and included as one alternative whenever structural project or program alternatives are considered.

Section 73 of the Water Resources Development Act of 1974 (Pub. L. 93-251, March 7, 1974) established a policy consistent with President Carter's water policy directives that full consideration be given to nonstructural measures for flood plain management. Section 73(a) states that:

"In the survey, planning, or design by any Federal agency of any project involving flood protection, consideration shall be given to nonstructural alternatives to prevent or reduce flood damages including, but not limited to, floodproofing of structures; flood plain regulation; acquisition of flood plain lands for recreational, fish and wildlife, and other public purposes; and relocation with a view toward formulating the most economically, socially, and environmentally acceptable means of reducing or preventing flood damages."

Section 73(b) specifies the cost sharing requirements for nonstructural measures as follows:

Where a nonstructural alternative is recommended, non-Federal participation shall be comparable to . . . structural protection measures, but in no event shall exceed 20 per centum of the project cost.

The President also proposed cost sharing reforms in his water policy directives which, if adopted, would require 20 percent cost sharing for nonstructural measures from non-Federal interests. The cost sharing provisions in the interim instructions are consistent with section 73 of Pub. L. 93-251 and those of the President.

This notice has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." An approved draft impact analysis is available from James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013 (202-447-3527).

Dated: December 12, 1979.

Verne M. Bathurst,
Deputy Administrator for Administration.

Accordingly, the following interim instructions for implementing nonstructural measures are published for informational purposes.

National Programs Instructions No. 10-304; Subject: Nonstructural Measures

Section 304.0 Purpose.

This instruction sets forth interim SCS policy and procedures for cost sharing and implementing nonstructural measures in watershed projects, authorized flood prevention projects, and RC&D measure projects.

Section 304.1 Introduction.

(a) Nonstructural measures for flood protection are those means of alleviating flood losses by modifying the susceptibility of land, people, and property to flood damage. In accordance with the Water Resources Council's revised Principles and Standards and its procedures for evaluating benefits and costs, a primarily nonstructural plan is to be prepared and included as one alternative whenever structural project alternatives are considered for flood protection. Nonstructural measures for flood prevention should also be considered in planning in combination with land treatment and structural measure alternatives. Nonstructural measures for flood damage reduction should be planned to the same degree of intensity and level of protection as structural measures and land treatment measures.

(b) Nonstructural alternatives are to be consistent with SCS rules and regulations for implementing Executive Orders 11988 and 11990, and procedures developed by the Water Resources Council for evaluation of beneficial and adverse effects of water and related land resource projects. All other existing policies for implementation of Pub. L. 566, Pub. L. 534, and RC&D programs not specifically addressed apply to nonstructural measures.

Section 304.2 Measures eligible for Federal cost sharing.

The following nonstructural measures are eligible for Federal cost sharing and may be used individually or in combination to solve a flood problem:

(a) *Relocation of existing flood plain properties.* Relocation of residential, commercial, industrial, and farm buildings may be the most economically, socially, and environmentally acceptable means of reducing or preventing flood damages. Relocation of existing flood plain properties is intended to reposition buildings on flood-free areas of the landowners' property or on other flood-free land. Any upgrading of relocated property is considered to be a benefit for well-being; therefore, the cost of the upgrading are not eligible for cost sharing assistance.

(b) *Flood warning system.* Wherever properties remain in a flood-prone area, a flood warning system may be used in conjunction with other measures to reduce flood damages. A flood warning system may include monitoring of weather or stream conditions coupled with a projection of anticipated flood depths. An alert or warning system may be included to notify flood plain occupants in time to protect property from damage and/or to evacuate the area. Federal cost sharing assistance could include such items as design of the system, stream and rain gauges, the communications network, and the warning system. The costs of monitoring the flood warning system, training personnel, and testing are to be included as part of the operation and maintenance of that system. Cost sharing is not applicable to streams receiving forecasting and warning assistance from another State or Federal agency.

(e) *Flood proofing.* Flood proofing consists of work on individual buildings such as blocking off low-level entrances and windows, installing one-way valves in drains, strengthening walls and foundations, installing protective walls, and elevating the building or contents above the base flood elevation to minimize flood losses. A ring dike or levee protecting an individual property is considered a nonstructural measure. Diking around groups of properties is considered a structural measure.

(d) *Flood plain acquisition.* (1) Flood-prone lands in developed areas may be acquired with program cost sharing assistance. Developed land is defined as areas with existing residential and/or commercial development. Land that has been improved for urban use with existing streets, sewers, waterlines, or where local authorities have granted permits for such improvements prior to an application for assistance under Pub. L. 566, is considered developed land. Undeveloped flood-prone lands cannot be acquired with program financial assistance unless an exception is granted by the Administrator in such cases where this is the most cost effective and environmentally acceptable means of attaining project objectives consistent with the President's water policy directives and the Water Resources Council's revised Principles and Standards.

(2) Tracts of land acquired as a nonstructural measure may be used for public benefit such as recreation and fish and wildlife habitat preservation or improvement. Such land should be acquired by fee title or perpetual easement. Facilities for public use on

this land may be eligible for Federal cost sharing if they are consistent with existing program requirements. Land acquired as a nonstructural measure may also be used for other public purposes if the following conditions are met:

(i) The land is unsuitable for public recreation or fish and wildlife habitat, or additional public land for these purposes is not needed.

(ii) The proposed use is compatible with remaining flood hazards and project purposes, and land use regulations will be adopted to maintain such use.

(iii) Federal cost sharing will be limited to the value of the development rights. This value is defined as the difference between the current appraised value and the value under restricted use.

Section 304.3 Preconditions.

Other forms of flood plain management such as land use regulation through zoning, building codes, or flood insurance, which represent primarily administrative actions, do not lend themselves to cost sharing under section 73(b). In order to keep land use compatible with the level of protection or remaining flood hazard, the sponsoring local organizations must adopt or have adopted land use regulations that meet the standards established for the regular National Flood Insurance Program as a prerequisite to financial assistance. These flood plain management features should be included as nonproject features of the plan.

Section 304.4 Cost sharing rates.

Section 73(b) of Pub. L. 93-251 established a local share not to exceed 20 percent for the installation of nonstructural measures for flood protection. Accordingly, the local share for the installation of nonstructural measures for flood protection will be 20 percent composite cost sharing rate considering installation cost, technical or engineering assistance, landrights, relocation payments, and administration and overhead costs.

Section 304.5 Operation and maintenance.

Operation and maintenance is the responsibility of the sponsoring local organizations and is not eligible for Federal cost sharing. Operation, maintenance, inspections, and replacement will be conducted

consistent with established rules and regulations.

[FR Doc. 79-35378 Filed 12-19-79; 8:45 am]
BILLING CODE 3410-16-M

Forest Service

Extension of Highland Scenic Highway U.S. 219—U.S. 250; Monongahela National Forest, Pocahontas and Randolph Counties, W. Va.; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the Highland Scenic Highway from U.S. 219 to U.S. 250 on the Monongahela National Forest.

Public Law 93-87 authorized the Secretary of Agriculture to develop and construct the Highland Scenic Highway from U.S. 250 near Barton Knob as a parkway on the Federal-Aid secondary system. The Act also authorizes acquisition of lands, rights-of-way, and interest in land to carry out the purposes of a scenic highway, as well as protection of water quality in Shavers Fork River, and permits use of parkway funds for reclamation of lands within a scenic corridor. All lands and rights-of-way are to be managed as part of the Monongahela National Forest for scenic values and recreation.

Slightly over 22 miles of the Highland Scenic Highway (West Virginia Route 150) have been constructed or are under construction between West Virginia Route 39 east of Richwood and U.S. 219 north of Marlinton, West Virginia.

The alternatives under consideration address extension of the Highland Scenic Highway from the present intersection with U.S. 219 to U.S. 250 in one of four apparently feasible location corridors. These range in length from 34.75 miles to 39.51 miles, and have been identified for study by Region 15 of the Federal Highway Administration.

The scoping process will be initiated early in the study and consist of an evaluation of known issues and concerns, as well as a public meeting or series of small meetings. Preliminary issues and concerns have resulted from public interest expressed during planning and construction of the highway, and from National Forest land management planning. These include: private developments of condominiums and resort complexes, livestock grazing, coal deposits and mining activities, land ownership, fisheries quality of the Shavers Fork River and several native

trout streams, black bear and turkey habitat, and aesthetic, social, and economic values.

Steve Yurich, Regional Forester of the Eastern Region, is the responsible official, and Harry Mahoney, Forester on the Monongahela National Forest (304-636-1800), will be the coordinator for the Highland Scenic Highway Environmental Impact Statement.

The draft environmental impact statement will be available in February 1981, and the final environmental impact statement is scheduled for filing in October 1981.

Comments on this Notice of Intent or on the project should be sent to the Forest Supervisor, Monongahela National Forest, Elkins, West Virginia 26241.

James H. Freeman,
Director, Planning, Programming and Budgeting.

December 10, 1979.

[FR Doc. 79-35333 Filed 12-19-79; 8:45 am]
BILLING CODE 3410-11-M

Northern California Subcommittee of the Pacific Crest National Scenic Trail Advisory Council; Meeting

The Northern California subcommittee of the Pacific Crest National Scenic Trail Advisory Council will meet at 10:00 a.m. on Friday, January 18, 1980. The meeting location will be room 539, Appraiser's Building, 630 Sansome Street, San Francisco, California.

The purpose of the meeting is to suggest and discuss issues and concerns from which to develop the Pacific Crest National Scenic Trail Comprehensive Plan for acquisition, management, development, and use of the trail.

The meeting will be open to the public. Persons who wish additional information should contact Alan Lamb, Recreation Staff, Pacific Southwest Region, Forest Service, 630 Sansome Street, San Francisco, California, 94111. Phone (415) 556-6983.

Dated: December 13, 1979.

Zane G. Smith, Jr.,
Regional Forester, Pacific Southwest Region.

[FR Doc. 79-35337 Filed 12-19-79; 8:45 am]
BILLING CODE 3410-11-M

Oregon Subcommittee of the Pacific Crest National Scenic Trail Advisory Council; Meeting

The Oregon subcommittee of the Pacific Crest National Scenic Trail Advisory Council will meet at 9:00 a.m. Friday, February 8, 1980. The meeting location will be room 690, Multnomah

Building, 319 S.W. Pine Street, Portland, Oregon.

The purpose of the meeting is to suggest and discuss issues and concerns from which to develop the Pacific Crest National Scenic Trail Comprehensive Plan for acquisition, management, development, and use of the trail.

The meeting will be open to the public. Persons who wish additional information should contact Roger Long, In-Care-of Regional Forester, Pacific Northwest Region, Forest Service, P.O. Box 3623, Portland, Oregon, 97208. Phone (503) 221-3611.

Dated: December 13, 1979.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 79-38984 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-11-M

Southern California Subcommittee Pacific Crest National Scenic Trail Advisory Council; Meeting

The southern California subcommittee of the Pacific Crest National Scenic Trail Advisory Council will meet at 8:30 a.m. Thursday and Friday on January 24 and 25, 1980. The meeting location will be the 2nd Floor Conference Room, Angeles National Forest Headquarters, 150 South Los Robles Street, Pasadena, California.

The purpose of the meeting is to suggest and discuss issues and concerns from which to develop the Pacific Crest National Scenic Trail Comprehensive Plan for acquisition, management, development, and use of the trail. Also there will be a comprehensive review of the status of the trail in southern California.

The meeting will be open to the public. Persons who wish additional information should contact Alan Lamb, Recreation Staff, Pacific Southwest Region, Forest Service, 630 Sansome Street, San Francisco, California, 94111. Phone (415) 556-6983.

Dated: December 13, 1979.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 79-38985 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-11-M

Washington Subcommittee of the Pacific Crest National Scenic Trail Advisory Council; Meeting

The Washington subcommittee of the Pacific Crest National Scenic Trail Advisory Council will meet at 9:00 a.m. to 7:00 p.m. on Thursday, January 31, 1980. The meeting location will be Anderson Hall, College of Forest Resources, University of Washington, Seattle, Washington, 98105.

The purpose of the 9:00 a.m. meeting is to suggest and discuss issues and concerns from which to develop the Pacific Crest National Scenic Trail Comprehensive Plan for acquisition management, development, and use of the trail. The 7:00 p.m. meeting will be a general review of the status of the trail in Washington.

The meeting will be open to the public. Persons who wish additional information should contact Roger Long, In-Care-of Regional Forester, Pacific Northwest Region, Forest Service, P.O. Box 3623, Portland, Oregon, 97208. Phone (503) 221-3611.

Dated: December 13, 1979.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 79-38986 Filed 12-19-79; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 30662]

The Flying Tiger Line Inc. v. Scandinavian Airline System; Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-titled matter now assigned to be held on December 18, 1979 (44 FR 65426, November 13, 1979), is hereby postponed to January 29, 1980 at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., December 14, 1979.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 79-38997 Filed 12-19-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-12-84; Dockets 34802 and 37165]

Wien Air Alaska, Inc., and Great Northern Airlines, Inc.; Order Fixing Temporary Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of December, 1979.

In the matter of the petition of Wien Air Alaska, Inc. for the establishment of fair and reasonable service mail rates for the transportation of mail pursuant to section 406 of the Federal Aviation Act of 1958, as amended.

Great Northern Airlines Service Mail Rates Investigation.

By Order 79-11-22, served November 7, 1979, we proposed to establish new final service mail rates for Wien Air Alaska, Inc. (Wien) of \$2.5752 per ton-mile for priority mail and \$1.0944 per

ton-mile for nonpriority mail to be effective on and after February 24, 1979. On November 15, 1979, the United States Postal Service (Postal Service) filed a notice of objection to our order to show cause. Subsequently, on November 20, 1979, Wien filed an emergency motion requesting the Board to issue a final order fixing temporary service mail rates effective on and after February 24, 1979, of \$2.2162 per ton-mile for priority mail and \$1.0352 per ton-mile for nonpriority mail; and that such final order be issued promptly and without issue of an intervening show-cause order.

In support of its motion, Wien states that the requested temporary service mail rates are the same rates proposed by the Postal Service in its answer of July 30, 1979, in this proceeding, and that it is authorized by counsel for the Postal Service to state that the Postal Service has no objection to the prompt establishment of the temporary service mail rates set forth here by immediate issuance of a final order and waiving and dispensing with an order to show cause. Wien also notes that since the answer of the Postal Service is not due until December 7, 1979, it cannot reasonably be anticipated that this proceeding will be concluded until after January 1, 1980.

Furthermore, Wien states that its financial position continues to decline (see Order 79-11-15) and that the inadequate level of its current service mail rates is a major factor for its working capital deficiencies. The temporary rates requested here would produce an additional \$3.7 million on an annual basis and would convert the report net loss of \$185,000 for the first nine months of 1979 into a significant net profit. As a result of the financial decline in its reported results, Wien alleges that it has been and continues to be in a condition of default of the conditions and requirements under its loan agreements which exceed \$48 million and that such condition of default must be cured prior to December 31, 1979. Moreover, Wien believes that the retroactive amounts due it under the temporary rates requested here, and concurred in by the Postal Service, will contribute substantially to minimizing, if not removing, its working capital deficiencies.

Since the requested temporary rates are the same as those rates mutually agreed upon earlier by the parties to this proceedings, we believe that no one will be prejudiced by our departing from our usual temporary rate procedures as set forth in the Board's Rules of Practice, 14 CFR 302.310. The purpose of those

procedures is to give opportunity for comment and hearing on temporary rates before they take effect. However, the Board hearing on temporary rates before they take effect. However, the Board has waived these procedures in circumstances where they are not required.¹ We believe that this is such a case. Furthermore, these rates will be subject to retroactive adjustment when we establish final rates.

In Order 79-11-203, adopted November 28, 1979, we determined that the fair and reasonable temporary service mail rates for Great Northern Airlines (GNA) were the rates then in effect for Wien which were established by Order 76-2-63. We stated that since GNA would be providing the same mail services that Wien is presently providing we saw no reason why Wien's rates should not apply as temporary rates for GNA's certificated mail services as well. Since this order establishes temporary service mail rates for Wien, we believe the same temporary rates also should be applicable to GNA.

Accordingly, we waive the procedural requirements of Rule 310, and find and conclude that the temporary service mail rates requested by Wien, and concurred in by the Postal Service, are the fair and reasonable rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation of 1958, as amended, to Wien on and after February 24, 1979, and to GNA on and after the commencement of certificated mail operations, for the transportation of mail by aircraft over their intra-Alaska routes, the facilities used and useful therefor, and with services connected therewith, until issuance of orders establishing final mail service rates in these investigations.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302:

1. The fair and reasonable temporary rates of compensation to be paid in their entirety by the Postmaster General to Wien Air Alaska, Inc. on and after February 24, 1979; and to Great Northern Airlines, Inc. on and after the commencement of certificated mail operations, pursuant to section 406 of the Federal Aviation Act of 1958, as amended, for the transportation of mail by aircraft over their intra-Alaska routes, the facilities used and useful

therefor, and the service connected therewith, per nonstop great-circle ton-mile are \$2.2162 for priority mail and \$1.0352 for nonpriority mail.

2. The temporary service mail rates established by this order are subject to retroactive adjustment to February 24, 1979, for Wien Air Alaska, Inc. and to the date of commencement of certificated mail operations for Great Northern Airlines, Inc. as may be required by the orders establishing final service mail rates in these investigations.

3. We shall serve this order upon the Postmaster General, Wien Air Alaska, Inc. and Great Northern Airlines, Inc.

We will publish this order in the Federal Register.

By the Civil Aeronautics Board:

Phyllis T. Kaylor;

Secretary

[FR Doc. 79-38972 Filed 12-19-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Delaware 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 Delaware Advisory Committee (SAC) of the Commission will convene at 12:00 p.m. and will end at 3:30 p.m., on January 15, 1980, at the Central Conference Room, State Administration Building, Route 113, (opposite Blue Hen Mall), Dover, Delaware 19901.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to plan 1980 activities with special reference to: Forum on Minority and Women Entrepreneurs; review of continuing SAC business; and status of State prison system.

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

Dated at Washington, D.C., December 17, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-39052 Filed 12-19-79; 8:45 am]

BILLING CODE 6335-01-M

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 10:00 p.m., on January 14, 1980, at the Indianapolis Hilton, 31 W. Ohio Street, Indianapolis, Indiana 46204.

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

The purpose of this meeting is review of the minutes by the Chairperson; a report by staff on the employment project; regional council staff explanation of the procedures in a fact-finding hearing to be held in March 1980; and staff up-date on the status of Klan in Indiana.

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

Dated at Washington, D.C., December 17, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-39033 Filed 12-19-79; 8:45 am]

BILLING CODE 6335-01-M

Kentucky Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kentucky Advisory Committee (SAC) of the Commission will convene at 12:00 p.m. and will end at 5:00 p.m., on January 22, 1980, at the Executive West Hotel, Freedom Way at the Fairgrounds, Edinborough Room, 830 Phillips Lane, Louisville, Kentucky 40209.

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

The purpose of this meeting is program planning for FY 1980.

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

Dated at Washington, D.C., December 17, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-39034 Filed 12-19-79; 8:45 am]

BILLING CODE 6335-01-M

¹ Order 77-12-157, Priority and Nonpriority Domestic Service Mail Rates Investigation; Docket 23080-2.

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A-63 (revised), and after consultation with GSA, it has been determined that a 2-year renewal of the Census Advisory Committee on Agriculture Statistics is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was established July 16, 1962, and its current charter is to terminate on December 14, 1979. It was initially chartered under the Federal Advisory Committee Act in January 1973. The Committee's purpose is to advise the Director, Bureau of the Census, on the conduct of periodic censuses of agriculture and related surveys, and the kind of information that should be obtained from respondents associated with agricultural production; and to present the data needs of major suppliers and users of agriculture statistics. The Committee plays a vital role in advising the Census Bureau concerning the structuring and planning of the agriculture censuses and surveys.

The Committee will continue with a balanced representation of 21 member organizations, each appointing a person to the Committee subject to the concurrence of the Director, Bureau of the Census. The Committee is chaired by a member of its own selection, and will function solely as an advisory body in compliance with the Federal Advisory Committee Act, as amended, and Office of Management and Budget Circular A-63 (revised).

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Orvin L. Wilhite, Chief, Agriculture Division, Federal Building 4, U.S. Department of Commerce, Bureau of the Census, Washington, D.C. 20233, Telephone 301/763-5230, or to the Department's Committee Management Analyst, Mrs. Yvonne Barnes, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-4217.

Dated: December 12, 1979.

Guy W. Chamberlin, Jr.,

Assistant Secretary for Administration.

[FR Doc. 79-38940 Filed 12-19-79; 8:45 am]

BILLING CODE 3510-17-M

Census Advisory Committee on Housing for the 1980 Census; Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A-63 (revised), and after consultation with GSA, it has been determined that a one-year renewal of the Census Advisory Committee on Housing for the 1980 Census is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was established in 1976 by the Secretary of Commerce under the Federal Advisory Committee Act (Pub. L. 92-463). Its present charter is scheduled to expire December 22, 1979. The present objective of the Committee is to provide technical advice and guidance in planning the census and post-census activities of the decennial census of housing to ensure that the major statistical requirements of decisionmakers are met. The Committee provides advice on housing subject-matter concepts, questionnaire content, tabulations, data dissemination plans and other relevant aspects of the overall 1980 census program. The Committee is strictly advisory. In renewing the Committee, no significant change of objectives or emphasis is planned.

The Committee will continue to consist of 18 members including a representative from each of nine major national organizations with different interests, and nine members appointed by the Secretary of Commerce. These represent as widely as possible the data users vitally concerned with the many aspects of the Nation's housing. The Chairperson and Chairperson-Elect will continue to be elected for a 1-year term by the Committee which will operate in compliance with the Federal Advisory Committee Act.

Copies of the Committee's charter will be filed with the appropriate committees of the Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Arthur F. Young, Housing Division, Room 1731, Federal Office Building #3, Bureau of the Census, Washington, D.C. 20233, telephone (301) 763-2863, or to the Department's Committee Management Analyst, Mrs. Yvonne Barnes, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-4217.

Dated: December 12, 1979.

Guy W. Chamberlin, Jr.,

Assistant Secretary for Administration.

[FR Doc. 79-38941 Filed 12-19-79; 8:45 am]

BILLING CODE 3510-17-M

Economic Development Administration**Notice of Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance**

Petitions have been accepted for filing from the following firms: (1) Grayslake Gelatin Company, P.O. Box 248, Grayslake, Illinois 60030, a producer of edible gelatin, milk, grain, and hay (accepted December 3, 1979); (2) Millicent Sportswear Corporation, 133 West 21st Street, New York, New York 10011, a producer of women's skirts, dresses, tops and suits (accepted December 3, 1979); (3) Coastline Sportswear, Inc., Highway 264 West, Belhaven, North Carolina 27810, a producer of men's and children's shirts, jackets, tops and jogging suits (accepted December 4, 1979); (4) Rite-Way Meat Processing, Inc., 7968 Ridge Road, Gasport, New York 14067, a producer of meat (accepted December 4, 1979); (5) Schatz Federal Bearings Company, Inc., Fairview Avenue, Poughkeepsie, New York 12602, a producer of ball bearings (accepted December 5, 1979); (6) Connecticut Consolidated Industries, Inc., 85 Tremont Street, Meriden, Connecticut 06450, a producer of telephone sets (accepted December 5, 1979); (7) HMS Sports, Incorporated, 1 Railroad Avenue, Epping, New Hampshire 03042, a producer of footwear (accepted December 5, 1979); (8) Berkeley Electrical Supply, Inc., 300 West Water Street, Toms River, New Jersey 08753, a producer of electrical equipment and fixtures (accepted December 6, 1979); (9) Forsyth Industries, Inc., P.O. Box 305, Cumming, Georgia 30130, a producer of women's slacks, jackets and blouses (accepted December 7, 1979); (10) Robton Process, Inc., 198 Madison Street, Paterson, New Jersey 07501, a producer of tanned rabbit skins (accepted December 7, 1979); (11) Hedson Manufacturing Company, 11 Wellington Road, Lincoln, Rhode Island 02865, a producer of costume jewelry (accepted December 7, 1979); (12) Springles, Inc., P.O. Box 308, Black Mountain, North Carolina 28711, a producer of artificial flower arrangements and Christmas ornaments (accepted December 7, 1979); (13) Christopher Dyeing and Finishing Company, 36 Ryle Avenue, Paterson,

New Jersey 07509; a producer of dyed fabric (accepted December 10, 1979); (14) Grace Coat Company, Inc., 553 8th Street, Hoboken, New Jersey 07030, a producer of women's coats (accepted December 10, 1979); (15) Kris, Inc., One Echo Plaza, Cedarburg, Wisconsin 53012, a producer of C.B. radio transceivers and accessories (accepted December 10, 1979); (16) Lehigh Trouser Company, 514 South Main Street, Wilkes-Barre, Pennsylvania 18703, a producer of women's slacks and skirts (accepted December 19, 1979); (17) Mayfield Dress Company, 606 Poplar Street, Mayfield, Pennsylvania 18433, a producer of women's dresses and sportswear (accepted December 10, 1979); (18) Bergen Point Brass Foundry, Inc., 179 West 5th Street, Bayonne, New Jersey 07002, a producer of lighting fixtures, antique reproductions and other brassware (accepted December 10, 1979); (19) RCR Sportswear, 183 Monroe Street, Passaic, New Jersey 07055, a producer of women's coats and jackets (accepted December 10, 1979); (20) Qual Fashion Contractors, Inc., 16 Main Street, Newark, New Jersey 07105, a producer of women's coats and dresses (accepted December 10, 1979); (21) Scientific Antennas Corporation, 2732 Wisconsin Avenue, Downers Grove, Illinois 60515, a producer of C.B. radio antennas (accepted December 12, 1979); (22) Body Fashions, Inc., 601 Kennedy Boulevard, North Bergen, New Jersey 07047, a producer of women's body supporting garments (accepted December 12, 1979); (23) Speed-Tex Corporation, 1500 Hudson Street, Hoboken, New Jersey 07030, a producer of printed fabric (accepted December 2, 1979).

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales of production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of

Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 79-33364 Filed 12-19-79; 8:45 am]

BILLING CODE 3510-24-M.

Industry and Trade Administration

University of California, et al.; Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before January 9, 1980.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 735 at 666-11th Street NW, Washington, D.C.

Docket No. 79-00462. Applicant: University of California, San Diego; Department of Biology, B-022, La Jolla, CA 92093. Article: Microtec Warm Stage, Injection Syringe and Microforge. Manufacturer: Micro Instruments, United Kingdom. Intended use of article: The article is intended to be used as part of a system in which blastocysts and cells will be injected with various other cells and parts of cells. While these materials are being manipulated they must be kept at 37°C since they are living and T° sensitive, hence the warm stage. These cells will be injected for the purpose of making chimeric mice. Their size necessitates a very tiny tip on the injection pipet. These are made with the microforge. The injection syringe is used to inject the very tiny amounts of material. The experiment involves making chimeric mice and studying their behavior, including alcohol drinking behavior. Application received by

Commissioner of Customs: October 18, 1979.

Docket No. 80-00022. Applicant: Electric Power Research Institute, 3412 Hillview Avenue, P.O. Box 10412, Palo Alto, CA 94303. Article: Real Time-Digital Data Acquisition System. Manufacturer: Institute de recherche de l'Hydro-Quebec, Canada. Intended use of article: The article is intended to be used for studies of the dynamic changes in the power system voltage and current wave forms caused by the loads on the power system when voltage ranges between 50 and 120 percent of its nominal value and the frequency ranges between 57 and 63 hertz. The experiments conducted in support of this research are field measurements at actual distribution system substations in New York. Application received by Commissioner of Customs: November 20, 1979.

Docket No. 80-00037. Applicant: National Jewish Hospital and Research Center, National Asthma Center, 3800 E. Colfax Avenue, Denver, Colorado 80206. Article: Electron Microscope, Model EM-400 and Accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of bacteriological specimens, human and animal tissues and cell blocks, cell components and DNA molecules. Investigations will include ultrastructural studies on normal and pathologic human and animal tissues and cells, histochemical studies on enzyme and subcellular organelle localization in cells and tissue, membrane-membrane interactions, and ultrastructural changes in cells induced by changes in their biochemical and physical environments. DNA molecules will also be examined. The article will also be used for preceptor training of postdoctoral research fellows within three departments. Application received by Commissioner of Customs: November 18, 1979.

Docket No. 80-00039. Applicant: University of North Carolina—CH, Physics Department, 170 Phillips Hall, Chapel Hill, NC 27514. Article: Crossed Field Spin Precessor System, Model 2170. Manufacturer: ANAC, Inc. New Zealand. Intended use of article: The article is intended to be used in connection with a tandem Van de Graaff accelerator and an ion source which produces beams of spin-polarized proton and deuteron beams. These beams will pass from the ion source, through the spin precessor, through the accelerator, and to the experimental area where studies are to be made of the spin-dependent part of the force which

holds atomic nuclei together. The article will also be used to train graduate students working on their Masters and Ph.D. degrees, in front-line nuclear physics research techniques. Application received by Commissioner of Customs: November 19, 1979.

Docket No. 80-00040. Applicant: University of Southern CA, Department of Chemistry, University Park, Los Angeles, CA 90007. Article: High Intensity Light Source Equipment. Manufacturer: Photochemical Research Assoc., Canada. Intended use of article: The article is intended to be used for research in inorganic photochemistry. More specifically, for measurements of the heat of photochemical reactions. Application received by Commissioner of Customs: November 19, 1979.

Docket No. 80-00041. Applicant: Ames Laboratory, Iowa State University, 126 Metallurgy Bldg., Ames, Iowa 50011. Article: Energy Analyzer Accessory for Electron Microscope. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used for studies of metals, ceramics and semi-conductors with major emphasis on metals in different research projects in materials science. The properties of these materials to be studied will be assessment of microstructure as regards morphology, crystallography and chemical composition. Application received by Commissioner of Customs: November 19, 1979.

Docket No. 80-00042. Applicant: Arizona State University, Tempe, Arizona 85281. Article: Electron Microscope, Model JEM 200CX and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used for the investigation of the structure of thin solid specimens of non-biological materials by direct visualization of the arrangements of the atoms. The features of the structure of crystals to be studied include the arrangements of atoms in near-perfect regions of crystals and in regions of crystals having faults or disorders. For poorly crystalline or amorphous materials studies will be made of the nature of the short-range ordering of atoms and of the size and shape of the regions having any particular form of short-range ordering. Investigations will be carried out to extend the knowledge of the structure of solid matter beyond the limits which have been set by the resolution of the electron microscopes previously used in this type of investigation and also to develop further the techniques for the high resolution study of solids by electron microscopy. Application

received by Commissioner of Customs: November 19, 1979.

Docket No. 80-00043. Applicant: University of California, Lawrence Berkeley Laboratory, One Cyclotron Road, Berkeley, CA 94720. Article: 2 each, Type TH-515, 200 MHz R.F. Amplifier Electron Tubes. Manufacturer: Thomson-CSF Electron Tubes, France. Intended use of article: The article is intended to be used as spares to identical tubes now in service in a proton-deuteron accelerator complex (the Bevatron) to furnish power at approximately 200 MHz for the second of three stages of acceleration, a 50 MeV linear accelerator. The ultimate goal of the Bevatron is to provide protons or deuterons to high energy physics experiments involved in the exploration of the nuclear structure of matter. Application received by Commissioner of Customs: November 19, 1979.

Docket No. 80-00045. Applicant: The Ohio State University, Research Foundation, 1334 Kinnear Road, Columbus, Ohio 43212. Article: Mass Spectrometer, MS-9. Manufacturer: AEI, Ltd, United Kingdom. Intended use of article: The article is intended to be used to analyze environmental pollutants, skin pigments, aromatic hydrocarbons, and other related organic compounds. In addition, the article will be used in the courses CH693 and CH699 Graduate research. Application received by Commissioner of Customs: November 20, 1979.

Docket No. 80-00046. Applicant: Ames Laboratory, Department of Energy, Iowa State University, Ames, Iowa 50011. Article: Excimer Laser. Manufacturer: Lambda-Physik, West Germany. Intended use of article: The article is intended to be used for analytical spectroscopy. Typical applications include (1) quantitation of ultratrace levels of uranium (parts per trillion) and (2) the detection of parts per billion level organic carcinogens in by-products of coal liquefaction and gasification and combustion. The article will also be used in several research programs in photochemistry. Application received by Commissioner of Customs: November 20, 1979.

Docket No. 80-00047. Applicant: University of Rochester, Department of Biology, Hutchison Hall, River Campus, Rochester, N.Y. 14627. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for carrying out studies on: 1) genome sequence organization and DNA replication in prokaryotes and eukaryotes; 2) bacterial chromosome structure; 3) the regulation of cellular

microtubule assembly; and 4) the development of the immune system. The standard procedures used for such studies include hetroduplex mapping of nucleic acids, high resolution microscopy of protein nucleic-acid complexes, and analyses of microtubule formation and distribution using negative staining, thin sectioning and immunoelectron microscopy. Application received by Commissioner of Customs: November 21, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 79-36866 Filed 12-10-79; 8:45 am]

BILLING CODE 3510-25-M

Duty-Free Entry of Scientific Articles; Applications

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before January 9, 1980.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 735 at 666-11th Street NW., Washington, D.C.

Docket Number: 80-00051. Applicant: The Pennsylvania State University, Department of Chemistry, Whitmore Laboratory, University Park, PA 16802. Article: Laser, TEA-103-2 CO₂. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for investigations of the infrared multiphoton decomposition of monosilane, disilane and halogenated derivatives thereof. Application received by Commissioner of Customs: December 3, 1979.

Docket Number: 80-00054. Applicant: University of Michigan, Biological Station, 4053 Natural Science Bldg., Ann Arbor, MI 48109. Article: Gas Exchange Apparatus. Manufacturer: Heinz Walz Mess-und Regeltechnik, West Germany.

Intended use of article: The article is intended to be used to study the gas-exchange (particularly of carbon dioxide) of leaves and stems of forest trees under both ambient and artificial conditions. The rate of carbon dioxide exchange between plant parts (leaves, stems) will be measured through 24 hour periods to get daily time-course of net photosynthesis or respiration.

Measurements will also be made in which light-intensity, temperature, and carbon dioxide and oxygen concentrations will be varied. These latter experiments will provide a means for determining important plant properties which will be used to model photosynthetic and respirator response. Application received by Commissioner of Customs: December 3, 1979.

Docket Number: 80-00056. Applicant: Department of Health, Education & Welfare, PHS, FDA/National Center for Toxicological Research, Jefferson, AR 72079. Article: NMR Spectrometer, Model WM500 with Accessories. Manufacturer: Bruker Analytische Messtechnik, GMBH, West Germany. Intended use of article: The article is intended to be used to analyze toxic substances, metabolites and regulatory samples primarily to determine structure and purity. Typical examples are as follows: aminofluorenes; aminonaphthalene-nucleosides; benzanthracenes; benxopyrenes. Application received by Commissioner of Customs: December 4, 1979.

Docket Number: 80-00061. Applicant: University of California, San Diego, Mail Code M-023, Department of Medicine, La Jolla, CA 92093. Article: 2 Bicycle Ergometers. Manufacturer: Northwick Park Hospital, United Kingdom. Intended use of article: The article is intended to be used for the study of human subjects exercising at high altitude. These subjects will be studied during a 1981 Expedition to Mt. Everest to determine their ability to adapt to severe hypoxic stress. Subjects will exercise at present work loads on the bicycle ergometer to determine their maximal work capacity and oxygen consumption at 20,000 ft. elevation and 26,000 ft. elevation. Application received by Commissioner of Customs: December 4, 1979.

Docket Number: 80-00052. Applicant: University of Arkansas, Department of Chemistry, Fayetteville, AR 72701. Article: NMR Spectrometer, Model FX-90Q and Accessories. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the following research projects:

(1) Carbon-13 NMR Isotope Effect Studies

(2) Carbon-13 NMR Studies of Ion Transport in Biological Membranes by Antibiotics

(3) Catalytic Hydrogenation. (1) Elementary Steps in the Conversion of Alkynes to Alkenes. (2) Molecular Probes to characterize the "Dissociation" and "Associative" Mechanisms of Alkene Isomerization and Exchange

(4) Conformational Analysis of Cyclic Tetrapeptides. Application received by Commissioner of Customs: December 4, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-35967 Filed 12-19-79; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

Commerce Technical Advisory Board; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that the Commerce Technical Advisory Board will hold a meeting on Thursday, January 10, 1980 from 9:00 A.M. until 5:00 P.M. and on Friday, January 11, 1980 from 9:00 A.M. until 12 o'clock Noon at the Southwest Fisheries Center, National Oceanic and Atmospheric Administration, 8604 La Jolla Shores Drive, La Jolla, California.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community.

Tentative agenda items include:

1. Implementation of Selected Industrial Innovation Initiatives
2. Management of Innovation in Other Countries; e.g., China and the European Community
3. Status Report on Cooperative Technology
4. Progress Report on Development of Human Resources for Technological Innovation
5. Briefing on the National Marine Fisheries Service.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-served basis.

Copies of minutes and materials distributed will be made available for reproduction following certification by the Chairman, in accordance with the

Federal Advisory Committee Act, in Room 3867, U.S. Department of Commerce, Washington, D.C. 20030.

Further information may be obtained from Mrs. Florence Feinberg, Administrator, Room 3867, U.S. Department of Commerce, Washington, D.C. 20230. Telephone (202) 377-5065.

Dated: December 13, 1979.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

[FR Doc. 79-35561 Filed 12-19-79; 8:45 am]

BILLING CODE 3510-17-M

National Oceanic and Atmospheric Administration

Decision to Deny Petition for Amendment of Rule

Notice is given that, on December 6, 1979, the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), denied a petition for regulatory amendments filed by the Coastal Zone Management Interaction Committee and the Edison Electric Institute. Pursuant to 5 U.S.C. 553 and NOAA Directive 21-24, Petitioner requested amendments to certain NOAA regulations implementing section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c)(3)(A)). In particular, Petitioner sought to exempt Federal license and permit "renewals" from the application of the consistency provisions of the Act. The Assistant Administrator concluded that the petition did not establish an adequate basis for modifying the existing regulations. As required by section 14.08 of NOAA Directive 21-24, notice of the petition denial is being published in the Federal Register.

The nature of the petition is described fully in 44 FR 173, September 5, 1979, at pages 51835-36. On November 9, 1979, the Natural Resources Defense Council (NRDC) filed with the Assistant Administrator a response to the petition. On November 27, 1979, Petitioner filed a reply to the NRDC response. The Assistant Administrator considered these submissions in arriving at his decision.

Copies of the decision and of all filings may be obtained from, and questions with regard to this matter may be directed to, Mr. Harry Feehan, Office of General Counsel, NOAA, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235 (202-254-7512).

Dated: December 13, 1979.

Francis J. Balint,
Acting Director, Office of Management and
Computer Systems.

[FR Doc. 79-39089 Filed 12-19-79; 8:45 am]

BILLING CODE 3510-08-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Cotton, Wool and Man- Made Fiber Textile Products From Singapore Effective January 1, 1980

December 14, 1979.

AGENCY: Committee for the
Implementation of Textile Agreements.

ACTION: Establishing import restraint
levels for certain cotton, wool and man-
made fiber textile products imported
from Singapore, effective on January 1,
1980.

SUMMARY: The Bilateral Cotton, Wool
and Man-Made Fiber Textile Agreement
of September 21 and 22, 1978, as
amended, between the Governments of
the United States and the Republic of
Singapore, establishes specific levels of
restraint for cotton and man-made fiber
textile products in Categories 333/334/
335, 340, 347/348 and 638/639, produced
or manufactured in Singapore and
exported to the United States during the
twelve-month period beginning on
January 1, 1980. It also provides
consultation levels for certain
categories, such as categories 315, 320,
331, 341, 445/446, 602, 604, 613 and 641,
among others, which are not subject to
specific ceilings and which may be
increased during the year upon
agreement between the two
governments. The letter published below
from the Chairman of the Committee for
the Implementation of Textile
Agreements to the Commissioner of
Customs directs that entry into the
United States for consumption, or
withdrawal from warehouse for
consumption, of cotton, wool and man-
made fiber textile products in Categories
315, 320, 331, 333/334/335, 340, 341, 347/
348/ 445/446, 602, 604, 613, 638/639 and
641 be limited to the designated levels of
restraint during the twelve-month period
which begins on January 1, 1980 and
extends through December 31, 1980. The
level for Category 347/348 has been
adjusted to account for 1978
overshipments amounting to 61,163
dozen in the overall category ceiling and
26,267 dozen in the sublimit for Category
348.

(A detailed description of the textile
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 3421), 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))

This letter and the actions taken
pursuant to it are not designed to
implement all of the provisions of the
bilateral agreement, but are designed to
assist only in the implementation of
certain of its provisions.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT:
Ross Arnold, International Trade
Specialist, Office of Textiles, U.S.
Department of Commerce, Washington,
D.C. 20230 (202/377-5423).

Arthur Garel,
Acting Chairman, Committee for the
Implementation of Textile Agreements,
December 14, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington,
D.C. 20229.

Dear Mr. Commissioner: 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,
Wool and Man-Made Fiber Textile
Agreement of September 21 and 22, 1978, as
amended, between the Governments of the
United States and the Republic of Singapore;
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 to prohibit,
effective on January 1, 1980, for the twelve-
month period extending through December
31, 1980, entry into the United States for
consumption, and withdrawal from
warehouse for consumption of cotton, wool
and man-made fiber textile products,
exported from Singapore in the following
categories in excess of the indicated twelve-
month levels of restraint:

Category	Twelve-month level of restraint
315.....	1,000,000 square yards.
320.....	6,000,000 square yards.
331.....	221,429 dozen pairs.
333/334/335.....	165,375 dozen of which not more than 9,509 dozen shall be in Category 333; not more than 50,208 dozen shall be in Category 334; and not more than 130,464 dozen shall be in Category 335.
340.....	385,875 dozen.
341.....	48,276 dozen.
347/348.....	490,088 dozen of which not more than 474,764 dozen shall be in Category 347 and not more than 188,034 dozen shall be in Category 348.
445/446.....	20,000 dozen.
602.....	86,207 pounds.
604.....	700,000 pounds.
613.....	1,000,000 square yards.
638/639.....	2,885,648 dozen of which not more than 360,705 dozen shall be in Category 638.
641.....	77,276 dozen.

In carrying out the directive, entries of
cotton, wool and man-made fiber textile
products in the foregoing categories, except
Categories 333/334/335, 340 and 602,
produced or manufactured in Singapore,
which have been exported to the United
States prior to January 1, 1980, shall, to the
extent of any unfilled balances, be charged
against the levels of restraint established for
such goods during the twelve-month period
beginning on January 1, 1979 and extending
through December 31, 1979. In the event the
levels of restraint established for that period
have been exhausted by previous entries,
such goods shall be subject to the levels set
forth in this letter.

Cotton and man-made fiber textile
products in Categories 333/334/335, 340, and
602 which have been exported to the United
States prior to January 1, 1980 shall not be
subject to this directive.

Textile products in Categories 333/334/335,
340, 602 which have been released from the
custody of the U.S. Customs Service under
the provisions of 19 U.S.C. 1448(b) or
1484(a)(1)(A) prior to the effective date of this
directive shall not be denied entry under this
directive.

The levels set forth above are subject to
adjustment in the future according to the
provisions of the bilateral agreement of
September 21 and 22, 1978, as amended,
between the Governments of the United
States and the Republic of Singapore which
provide, in part, that: (1) within the aggregate
and applicable group limits, specific limits
and sublimits, may be exceeded by
designated percentages; (2) specific levels
may be increased for carryover and
carryforward up to 11 percent of the
applicable category limit; (3) administrative
arrangements or adjustments may be made to
resolve minor problems arising in the
implementation of the agreement. Any
appropriate adjustments under the provisions
of the bilateral agreement, referred to above,
will be made to you by letter.

A detailed description of the textile
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 3421), 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).

In carrying out the above directions, entry
into the United States for consumption shall
be construed to include entry for
consumption into the Commonwealth of
Puerto Rico.

The actions taken with respect to the
Government of the Republic of Singapore and
with respect to imports of cotton, wool and
man-made fiber textile products from
Singapore have 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,
which are necessary for 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,
Arthur Garel,
*Acting Chairman, Committee for the
Implementation of Textile Agreements.*
[FR Doc. 79-58939 Filed 12-19-79; 8:45 am]
BILLING CODE 3510-25-M

Changes in the Textile Category System

AGENCY: Committee for the Implementation of Textile Agreements.
ACTION: Changes in the Textile Category System.

SUMMARY: *The Correlation: Textile and Apparel Categories with Tariff Schedules of the United States, Annotated* provides for placement of Tariff Schedules of the United States, Annotated (TSUSA) numbers in the Textile Category System. Amendments to the TSUSA as a result of the Multilateral Trade Negotiations and other Administrative actions in 1979 necessitated amendments to the Correlation. These changes and corrections to previous Correlations are cited in the list which follows this notice.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ronald I. Levin, Director, International Agreements and Monitoring Division, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230. (202-377-4212).

Arthur Garel,
*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

January 1, 1980, Changes to Correlation Category and Type of Change

315—Delete TSUSA numbers 320.—34, 321.—34, 322.—34, 326.—34, 327.—34, 328.—34.
334—Delete TSUSA 380.0611.
334—Add TSUSA 380.0609.
334—Add TSUSA 380.0612.
335—Delete TSUSA 380.0614.
335—Add TSUSA 382.0617.
335—Add TSUSA 382.0619.
338—Delete TSUSA 380.0024.
345—Add TSUSA 382.6912.
347—Delete TSUSA 380.0660.
347—Add TSUSA 380.0662.
347—Add TSUSA 380.0665.
348—Add TSUSA 382.0687.
348—Change TSUSA 382.0688 to 382.0689.
348—Change TSUSA 382.0692 to 382.0691.
359—Delete TSUSA 373.0510.
359—Delete TSUSA 380.0654.
359—Change TSUSA 380.0695 to 380.0698.
359—Delete TSUSA 373.0540.
359—Change TSUSA 380.3987 to 380.3989.
359—Delete TSUSA 380.5118.
359—Change TSUSA 380.5128 to 380.5129.
359—Change TSUSA 702.1220 to 702.1200.
400—Add TSUSA 307.6600.
400—Change TSUSA 307.6403 to 307.6810.
400—Change TSUSA 307.6406 to 307.6820.
400—Change TSUSA 307.6409 to 307.6830.

400—Change TSUSA 307.6412 to 307.6840.
400—Change TSUSA 307.6415 to 307.6850.
410—Delete TSUSA numbers 338.6038, 338.6040, 338.6042, 338.6044, 338.6045, 338.6048, 338.6048, 338.6050, 338.6052, 338.6054, 338.6058, 338.6058, 338.6060, 338.6062, 338.6084, 338.6065, 338.6068, 338.6068, 338.6070, 338.6072, 338.6074, 338.6076.
431—Change TSUSA 704.4000 to 704.7000.
434—Delete TSUSA 380.6320.
434—Add TSUSA 380.6324.
434—Add TSUSA 380.6322.
434—Delete TSUSA 380.6618.
434—Add TSUSA 380.6618.
434—Add TSUSA 380.6619.
434—Delete TSUSA 380.5710.
438—Delete TSUSA 380.5720.
459—Delete TSUSA 373.0520.
459—Delete TSUSA 373.0550.
465—Change TSUSA 360.1000 to 360.1015.
465—Change TSUSA 360.1500 to 360.1515.
465—Change TSUSA 361.2025 to 361.2225.
469—Delete TSUSA numbers 349.3040, 358.0800, 358.0900, 372.0840.
600—Delete TSUSA 310.6025.
600—Delete TSUSA 310.6035.
600—Add TSUSA 310.6029.
602—Change TSUSA 310.2060 to 310.2050.
604—Add TSUSA 310.4027.
604—Change TSUSA 310.4048 to 310.4050.
605—Add TSUSA 310.6034.
605—Change TSUSA 310.6035 to 310.6038.
605—Change TSUSA 310.6010 to 310.6010.
625—Delete TSUSA numbers 345.5084, 345.5085, 345.5088, 345.5087, 345.5088, 345.5090.
632—Change TSUSA 382.7827 to 382.7837.
634—Add TSUSA 380.8106.
634—Change TSUSA 380.8111 to 380.8112.
634—Add TSUSA 380.5167.
634—Change TSUSA 380.5168 to 380.5169.
634—Add TSUSA 380.8418.
634—Change TSUSA 380.8417 to 380.8419.
634—Change TSUSA 791.7470 to 791.7471.
635—Add TSUSA 382.7813.
635—Change TSUSA 382.7808 to 382.7823.
635—Change TSUSA 382.7810 to 382.7823.
636—Change TSUSA 382.7817 to 382.7832.
636—Change TSUSA 382.7818 to 382.7833.
636—Change TSUSA 382.7820 to 283.7834.
637—Change TSUSA 382.0414 to 380.0414.
638—Add TSUSA 380.8131.
638—Change TSUSA 380.8139 to 380.8140.
639—Change TSUSA 382.7851 to 382.7843.
639—Add TSUSA 382.7844.
639—Change TSUSA 382.7853 to 382.7845.
639—Change TSUSA 382.7855 to 382.7847.
641—Change TSUSA 382.9459 to 382.0459.
642—Change TSUSA 382.7815 to 382.7831.
647—Add TSUSA 376.5818.
647—Add TSUSA 380.8164.
647—Change TSUSA 380.8166 to 380.8168.
647—Change TSUSA 380.8167 to 380.8169.
648—Add TSUSA 376.5823.
648—Add TSUSA 382.7889.
648—Change TSUSA 382.7881 to 382.7892.
648—Change TSUSA 382.7883 to 382.7893.
650—Change TSUSA 382.7821 to 382.7835.
651—Change TSUSA 382.7825 to 382.7836.
659—Delete TSUSA 373.0530.
659—Change TSUSA 372.2500 to 373.2500.
659—Change TSUSA 382.7811 to 382.7829.
659—Change TSUSA 382.7890 to 382.7894.
659—Delete TSUSA 373.0500.
659—Change TSUSA 378.5820 to 378.5830.

659—Change TSUSA e80.0472 to 380.0472.
659—Change TSUSA 703.1510 to 703.1515.
688—Change TSUSA 363.8520 to 363.8512.
688—Change TSUSA 365.8460 to 365.8840.
[FR Doc. 79-58939 Filed 12-19-79; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Army Corps of Engineers

Notice of Intent To Prepare a Draft Environmental Impact Statement for St. Louis Harbor, Mo. and Ill.

AGENCY: St. Louis District, U.S. Army Corps of Engineers.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement for St. Louis Harbor, Missouri and Illinois.

SUMMARY: 1. Proposed Action: The proposed action is to prepare a Draft Environmental Impact Statement for the St. Louis Harbor, Missouri and Illinois, General Investigation Study regarding improved commercial harbor facilities in the vicinity of St. Louis, Missouri. The project features will consist of fleeting areas, off-channel harbors, and dredging. Nonstructural measures will address sedimentation problems and dredging requirements. Structural measures will provide a means for barge mooring and off-channel harbors.

2. Alternatives: Alternatives will include nonstructural and structural measures such as: dredging throughout the harbor; dredging at selected sites; and regulating works.

3. Scoping Process:
a. Public Involvement Program: The public involvement program began with a public meeting which was held on 15 March 1967. Input in the form of sedimentation problems was received from interested individuals and organizations at this meeting. A second public meeting was held on 11 February 1972 in which local interest views on providing improved commercial harbor facilities were received. Throughout the study, interviews have been held with all parties known to be interested in the development and problems associated with the project. Numerous field reconnaissances have been made to determine the use of the existing area, evaluate areas suitable for development, and obtain other information for evaluation purposes. Public meetings will be scheduled throughout the remainder of the study as plans become better defined through more detailed studies and incorporation of the public's impact. The scoping process, as outlined by the Council of Environmental Quality (29 November 1978), will be

incorporated in the existing planning process.

b. *Significant Issues:* Significant issues addressed in the Draft Environmental Impact Statement will include: an inventory of existing environmental characteristics in the study area; sections dealing with geology, soils, hydrology, climatology, air quality, biology, water and sediment quality, land uses and land use plans, environmental use and natural resource management areas, and archeological and historical survey; relationships attributable to implementing each of the alternative project plans; and an analysis of the effects on the environment regarding the economically justified alternatives.

c. *Lead Agency and Cooperating Agency Responsibilities:* The St. Louis District, U.S. Army Corps of Engineers, is the lead agency responsible for preparing the Draft Environmental Impact Statement. Coordination will be maintained with the St. Louis East-West Gateway Coordinating Council, Bi-State Development Agency (Regional Port Coordinator), St. Louis Regional Commerce and Growth Association, interested Federal agencies, relevant Missouri and Illinois state departments, and local municipal and county governmental units.

d. *Environmental Review and Consultation Requirements:* The completed Draft Environmental Impact Statement will be made available to appropriate Federal, state, and local agencies; representatives of environmental and development groups; commercial and industrial interests; and other interested individuals. The Draft Environmental Impact Statement will contain records of compliance with designated consultation requirements found applicable during the course of this study.

4. *Scoping Meeting:* During the early stage of preparing the Draft Environmental Impact Statement, coordination meetings will be scheduled with Federal agencies, state agencies and organizations, local governmental agencies, and private organizations. Public meetings have been a part of the planning process and will continue at scheduled intermediate points throughout the duration of the study.

5. *Draft Environmental Impact Statement Preparation:* The Draft Environmental Impact Statement is tentatively scheduled to be completed in the first quarter of FY 81 (November 1980).

ADDRESS: Questions concerning the proposed action and the Draft Environmental Impact Statement can be

answered by: Mr. Jack. F. Rasmussen, Chief, Planning Branch, U.S. Army Engineer District, St. Louis, 210 N. 12th Street, St. Louis, Missouri 63101.

Dated: December 11, 1979.

John S. Wilkes, III,
LTC, CE, Acting District Engineer.

[FR Doc. 70-38982 Filed 12-19-79 8:45 am]

BILLING CODE 3710-GS-1A

Office of the Secretary

[DoD Directive 4165.62]

DoD Implementation of Personnel Parking Facilities Program

AGENCY: Office of the Secretary of Defense.

ACTION: Directive regarding Personnel Parking Facilities Program.

SUMMARY: This directive implements the requirements of OMB Circular A-118, Federal Employee Parking Facilities, August 13, 1979, and General Services Administration Temporary Regulation D-65, September 6, 1979, regarding the acquisition and allocation of Federal administrative parking facilities; and the establishing of charges to be paid for the use of these facilities. The intent of the directive is to support the Administration's policy to conserve energy and protect the environment by encouraging use of public transportation and car pooling.

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Francis B. Roche, Director, Real Property and Natural Resources, Office of the Deputy Assistant Secretary of Defense (Installations and Housing), Room 3D761, The Pentagon, Washington, D.C. 20301, telephone 202-697-7227.

DoD Implementation of Personnel Parking Facilities Program

Sec.

1. Purpose.
2. Applicability and Scope.
3. Policy.
4. Exemptions.
5. Collective Bargaining Agreements.
6. Acquisition and Analysis of Parking Facilities.
7. Allocation and Assignment of Parking Facilities.
8. Charges for Parking.
9. Responsibilities.
10. Appeals.
11. Definitions.
12. Cost Factors and Secretary of Defense Authority for Military Installation.

Authority: OMB Circular A-118 and 5 U.S.C. 301.

Section 1. Purpose.

This directive outlines policies and procedures and assigns responsibilities for DoD implementation of OMB Circular A-118, "Federal Employee Parking Facilities," August 13, 1979 and the applicable portions of GSA's regulations Subchapter "D", Federal Property Management Regulations of the General Services Administration (GSA) (41 C.F.R. 101-17 *et seq.* (1978)) and Temporary Regulation D-65, September 6, 1979, General Services Administration (44 FR 53161 (1979)) that govern the acquisition and allocation of Federal administrative parking facilities and the establishment of charges to be paid for the use of these facilities.

Sec. 2. Applicability and scope.

(a) This directive applies to the Office of the Secretary of Defense (OSD), the Organization of the Joint Chiefs of Staff, the Military Departments, and the Defense Agencies (hereafter referred to as "DoD Components"). As used herein, the term "Military Services" means the Army, Navy, Air Force, and Marine Corps.

(b) Its provisions encompass all military installations, facilities, and properties, whether owned or leased, in the United States, its territories and possessions and the Commonwealth of Puerto Rico. Further, its provisions apply to all space in Government-owned or leased buildings assigned to DoD Components by the GSA or to buildings leased by DoD Components.

(c) It does not apply to civil works projects of the Department of the Army that will be covered by regulations issued by the Secretary of the Army.

Sec. 3. Policy.

It is the policy of the Department of Defense to support the President's program, as specified in OMB Circular A-118, for energy conservation and a cleaner environment through the encouragement of a greater use of public transportation and car pooling. This effort shall be aided by a program that:

(a) Limits Federal installation parking facilities to the minimum necessary to administer those facilities in full compliance with car pooling regulations; and

(b) Assesses personnel who are provided parking in Government-controlled space a charge equivalent to the fair monthly rental value for the use of comparable commercial space, subject to the terms, exemptions, and conditions stated in this directive.

Sec. 4. Exemptions.

The following classes of personnel and vehicles are exempt from payment of parking fees.

(a) Personnel: (1) Shift workers and those on weekend duty.

(2) In and outpatients and inpatient visitors in medical facilities, including Dental Clinics.

(3) Patrons of commissaries; exchanges; thrift shops; military banks or credit unions; theaters; enlisted, noncommissioned officer, or officer clubs; or similar Military Service facilities.

(4) Visitors to cemeteries or chapels.

(5) Those military personnel exempted by the Secretary of Defense under sec. 12 of this directive for reasons of military readiness.

(6) Residents of or visitors to military family housing or unaccompanied personnel military quarters. Such residents or visitors are subject to charge at a work location.

(7) Handicapped personnel as defined at sec. 11.

(8) Personnel on temporary duty not to exceed 2 weeks.

(9) Reserve component personnel in drill status or during annual 2-week active duty. This exemption does not include full-time civilian technicians working at reserve component facilities on military installations.

(10) Part-time volunteers, such as Red Cross or Travelers Aid personnel, Gray Ladies, or thrift shop helpers.

(11) Official visitors, including employment applicants, parking up to a limit of 3 hours.

(12) Personnel assigned to or visiting walk-in recruiting stations. Main recruiting stations are not exempted.

(13) Personnel visiting Armed Forces Entrance and Examining Stations (AFEES). Personnel assigned to AFEES located in GSA-provided space or on military installations are not exempt.

(b) *Vehicles:* (1) Government-owned or leased vehicles, including Government-owned or leased administrative-type vehicles, when contractor-operated.

(2) Two-wheeled vehicles.

(3) Van pool vehicles, as defined in sec. 11. This exemption expires September 30, 1981. This exemption does not apply to buses or commercially-operated van pools.

(4) Specifically equipped vehicles used by handicapped employees.

(5) Vehicles of Members of Congress and judges, appointed under Article III of the Constitution, assigned parking spaces for security reasons.

(6) Stored vehicles of military personnel in a deployed status.

(7) Privately owned trailers, recreation vehicles or boats, when stored in designated areas.

(8) Vehicles assigned to morale, welfare, and recreation programs.

(c) *Shared Facilities:* At locations where DoD Components occupy a portion of a privately owned facility where no specific parking areas are assigned to the DoD Component for its employees' use and where all personnel are provided free parking, the DoD personnel are exempt from a requirement to pay for parking.

Sec. 5 Collective bargaining agreements.

Any valid, negotiated agreement between management and a union covering any provision of employee parking in effect on August 13, 1979, shall remain in effect until the expiration, renegotiation, or renewal of the agreement. The provisions of this directive shall apply to new agreements and to existing agreements upon expiration. Labor organizations with national consultation rights, pursuant to 5 U.S.C.A. 7113 (Supp. 1979), must be consulted before the issuance of any implementing policies and regulations that affect DoD civilian employees.

Sec. 6. Acquisition and analysis of parking facilities.

The acquisition of parking facilities shall be permitted consistent with the limitations and objectives of OMB Circular A-118, Federal Property Management Regulations, and Temporary Regulation D-65. An analysis of available public transportation and car pooling feasibility shall be made by GSA for both leased and Government-owned buildings to determine the amount of parking facilities to be provided. Generally, parking facilities on military installations shall be in accordance with the criteria contained in DoD 4270.1M, "Construction Criteria," June 1, 1978. However, the amount of parking facilities to be provided through new construction or the conversion, of excess pavement, such as airfield ramps, shall be dependent upon an analysis of the public transportation and car pooling projected to be reasonably available or feasible at the site of the new construction. This analysis shall be conducted by the Regional Office of GSA, upon request, and shall accompany all projects submitted for approval to the Deputy Assistant Secretary of Defense (Installations and Housing).

Sec. 7. Allocation and assignment of parking facilities.

(a) *GSA-Assigned Space:* (1) *General Services Administration.* GSA shall equitably allocate parking facilities at Federal buildings, including leased buildings, in accordance with Federal Property Management Regulations.

(2) *DoD Components.* The designated DoD Administering Component shall be responsible for the allocation and assignment of parking spaces allocated by GSA, to include allocation of spaces for personnel parking in accordance with the provisions of Temporary Regulation D-65. The designated DoD Administering Component in the National Capital Region (NCR) is the Washington Headquarters Services (WHS), a field activity of the OSD. Outside and inside parking facilities shall be identified and assigned according to the following priorities, which are based on convenience, in the case of inside parking, and on the shortest walking distance to the building, in the case of outside parking.

(i) Official vehicles.

(ii) Handicapped persons and those drivers who regularly provide transportation to the handicapped.

(iii) Van pools.

(iv) Car pools with four or more members.

(v) Car pools with three members.

(vi) Car pools with two members.

(vii) Single-occupant vehicles, space permitting.

(3) A limited number of convenient parking spaces not to exceed more than 10 percent of the total spaces available for employee parking at the installation, facility, or property, may be assigned to certain executive personnel and to personnel with unusual hours in accordance with the provisions of Federal Property Management Regulations.

(4) In urban areas, where several GSA-controlled facilities are within easy walking distance of each other, parking spaces may be pooled by GSA on a zonal allocation basis rather than on an agency by agency basis to ensure that an equitable number of spaces exist among all personnel and to maximize car pooling opportunities. Pooled allocations shall be administered primarily on the basis of car pool membership.

(b) *Military Installations:* (1) Installation commanders shall allocate parking spaces on their individual installations. To maximize the efficient use of available parking spaces, assignments of spaces to personnel shall be on the basis of the Federal Property Management Regulations. At locations

with large, outside parking facilities, commanders shall identify and reserve parking areas according to the following priorities and based on the shortest walking distance to work areas.

- (i) Official vehicles used during the day.
- (ii) Handicapped personnel and those drivers who provide transportation for handicapped personnel.
- (iii) Van pools.
- (iv) Car pools with four or more occupants.
- (v) Other car pools.
- (vi) Single-occupant cars.

(2) Commanders may assign a limited number of parking spaces, not to exceed 10 percent of the total spaces available, for personnel parking at each installation, facility, or property to certain executives and employees with unusual hours, in accordance with Federal Property Management Regulations.

(c) *General:* (1) To encourage and facilitate the use of car and van pools and public transportation, heads of DoD Components, and commanders should develop the following kinds of incentives: stabilizing and enforcing official duty hours, when possible; providing special parking privileges for those car pools using compact and subcompact cars; matching work schedules to available public transportation; assisting installation personnel in forming car and van pools; making fair assignment, use, and enforcement of parking regulations; and arranging and controlling parking areas, as provided for in this directive. Such incentives should be used regardless of whether or not parking fees are required to be charged or an exemption has been granted.

(2) If necessary for operational purposes, a limited number of parking permits may be issued on a fee basis to individuals who regularly use their privately owned vehicles for Government business. These are vehicles used 12 or more workdays per month for Government business for which the individual receives reimbursement for mileage and parking fees under Government travel regulations.

Sec. 8. Charges for parking.

(a) *Establishment of Charges.* Charges for use of Government-owned or leased parking facilities shall be assessed at all locations except when the rate, as determined in Sec. 171.12, is less than \$10.00 per month. For the initial period of November 1, 1979, through September 30, 1981, the charges to be collected shall be 50 percent of the full rate. If the monthly rate is calculated to be between

\$10.00 and \$19.99, the monthly charge between November 1, 1979, and September 30, 1981, shall be \$10.00. The full charge shall be collected beginning October 1, 1981.

(b) *Authority for Charges.* Authority to establish charges for the use of parking spaces is contained in the Federal Property and Administrative Services Act, as amended (40 U.S.C. 490).

Sec. 9. Responsibilities.

(a) The *Deputy Assistant Secretary of Defense (Administration)*, or designee, for DoD-occupied GSA buildings in the NCR, the *Secretaries of the Military Departments and Directors of Defense Agencies*, for GSA buildings outside the NCR, and the *Secretaries of the Military Departments and Directors of Defense Agencies*, for military installations, facilities, and properties shall, whether or not parking fees are charged or an exemption has been granted under the provisions of this Part.

(1) Appoint before November 1, 1979, an Employee Transportation Coordinator at each installation, facility, and property to operate or participate in a system for car pool and van pool matching among personnel, and to maintain current information about public transit service to the installation, facility, or property.

(2) Operate, control, and issue instructions for military, civilian, contractor, and nonappropriated fund personnel privately owned vehicle parking programs at all military installations and at all DoD-occupied, GSA-controlled buildings in accordance with the provisions of OMB Circular A-118, Federal Property Management Regulations, and Temporary Regulation D-65 and this Directive.

(3) Assess charges consistent with the provisions of Sec. 8, as applicable.

(4) Implement an effective mechanism for deterring abuse of parking space assignments made to handicapped persons, van pools and car pools.

(b) The *Administrator of the General Services Administration*, under the authority of OMB Circular A-118, shall:

(1) Issued regulations implementing the provisions of OMB Circular A-118 concerning the determination of commercially equivalent parking rates for GAS-controlled, DoD-utilized parking facilities and the issuance of procedures for collection of fees from military, civilian, contractor personnel, nonappropriated fund personnel, DoD tenant personnel, and others, as required.

(2) Revise regulations and priorities, as necessary, for the assignment of parking spaces.

(3) Arrange for contractor-operated parking facilities in GSA-controlled buildings, as required.

Sec. 10. Appeals.

Formal appeal of the rates established for personnel parking at GSA-controlled locations may be filed by DoD Components in accordance with Federal Property Management Regulations. An appeal of the parking rates for military installations, facilities, and properties may be made through command channels to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

Sec. 11. Definitions.

(a) *Military Installation Parking.* Vehicle parking spaces under the control of a DoD Component that are used for Government vehicles, other official vehicles, visitor vehicles, and privately owned vehicles (military, civilian, contractor, nonappropriated).

(b) *Car Pool.* A group of two or more people using a motor vehicle for transportation to and from work.

(c) *Personnel Parking.* The parking spaces assigned for the use of privately owned vehicles, other than those classified as official parking.

(d) *Handicapped Employee.* An employee who has a severe, permanent physical or mental impairment which, for all practical purposes, precludes use of public transportation. Employees unable to operate a car as a result of a permanent impairment (such as, 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 (for example, due to a strained back, during convalescence from an illness or a broken leg) are not exempt. Justification for this priority requires certification by a DoD Component medical unit, the Veterans Administration, or the Public Health Service.

(e) *Official Parking.* Parking spaces reserved for Government-owned or leased vehicles, which do not include spaces for privately owned vehicles used for official business or contractor operated and nonappropriated fund vehicles.

(f) *Parking Space.* The area allocated in a parking facility for the temporary storage of one passenger-carrying motor vehicle.

(g) *Regular Member of a Car Pool.* A person who travels daily (leave excepted) in a car pool for a minimum distance of 1 mile each way.

(h) *Van Pool.* A group of 8 to 15 persons using a van, specifically

designed to carry passengers, for transportation to and from work in a single, daily round trip. This vehicle excludes automobiles, buses, or commercially operated van pools.

(i) *Visitor Parking.* Parking spaces reserved for the exclusive use of visitors to a military installation, facility, or property, or GSA-provided spaces.

(j) *Shift Worker.* An employee whose scheduled duty hours are established as a shift starting or ending outside his or her organization's normal duty hours. This term includes an employee on swing or midnight shifts; but it does not include an employee on overtime or flexitime, or an executive who works hours beyond the usual 8-hour work day.

(k) *Military and Civilian Personnel.* All U.S. and foreign military personnel and all civilian, contractor, and nonappropriated fund personnel assigned for duty at GSA-controlled, DoD-utilized facilities or at military installations, facilities, and properties.

Sec. 12. Cost Factors and Secretary of Defense Authority for Military Installations

(a) *Rate Determinations and Procedures (GSA Space):* (1) The Administrator of GSA shall determine the rates to be charged for Government-furnished personnel parking at each facility it controls.

(2) The rates established by GSA shall approximate the price of comparable commercial property in the vicinity, and shall be based on the fair rental value of such comparable property used in calculating GSA Standard Level User Charges.

(3) Rates shall be reviewed annually by GSA and may be adjusted to reflect increases or decreases in the fair rental value of the parking facility.

(4) For parking spaces under the control of GSA, the charging system shall overlay the existing Federal Buildings Fund procedures. That is, GSA shall assign blocks of parking spaces, both official and employee, to the DoD Components and assess the appropriate Standard Level User Charge. One exception is the NCR where all space is assigned to the WHS. DoD Components (WHS in the NCR) shall make assignments to their own personnel consistent with Federal Property Management Regulations and Temporary Regulation D-65 and shall ensure that fees have been collected in a timely manner for each assignment, or that the assignment has been revoked, if necessary. The normal method for assigning personnel parking spaces shall be through sale of a monthly permit. For convenience and efficiency, advance

sales of permits for periods of up to 12 months may also be arranged. Arrangements for daily rate permits may also be made to accommodate personnel who, for official or personal reasons, may require the use of their private vehicle and to accommodate visitors requiring parking for more than 3 hours. The use of a parking management contract, where the operator is responsible for these arrangements and for fee collection, is permissible. Permits must be used to identify those who are authorized to park. Only one permit shall be issued to a vehicle, van pool or car pool. Parking fees shall be collected in advance and DoD Components shall be required to have adequate documentary evidence that the monthly fees for each permit have been collected and deposited in accordance with this section.

(b) *Rate Determinations and Procedures (Military Installations):* (1) The Department of Defense shall accomplish all appraisals on military installations using professional appraisers of the Office, Chief of Engineers, and the Commander, Naval Facilities Engineering Command. These appraisals shall be conducted in accordance with GSA guidelines and shall use the form provided by GSA. Where one Military Service is predominant in a geographical area, the appraisal function shall be handled by one of the two cited appraisal staffs on a single manager concept.

(2) The rates to be established shall approximate the price of commercial parking in the vicinity and shall be reviewed annually to reflect increases or decreases in values. GSA shall review and approve all rates in accordance with 40 U.S.C. 490.

(3) When the appraisal indicates a parking fee is required under sec. 8(a), installation commanders shall institute a permit system and fee collection program similar to sec. 12(a), above, for GSA-controlled space.

(c) *Management and Other Costs (GSA Space and Military Installations):* (1) Fair rental value includes an allowance for the costs of parking facility management. When a parking management company or other contractor is engaged to operate the facility, issue permits, provide attendants, or collect fees, the cost of such management services are included in the fair market value fees paid by individual users for the use of such parking facilities.

(2) Fees for personnel parking spaces shall not include any share of the costs attributable to spaces exempted from the fees under sec. 4.

(3) Maintenance, markings, lighting, and security of parking areas for which personnel parking rates are charged shall be commensurate with local comparable civilian parking areas. In this regard, action must be taken to ensure that the parking areas are periodically swept, well-maintained, lighted, as necessary, and, in the winter, kept clear of ice and snow.

(4) Enforcement of parking regulations for GSA space shall be the responsibility of the GSA (Federal Protective Service) and for military installations, facilities, and properties, the cognizant military commander.

(d) *Secretary of Defense Authority for Military Installations:* OMB Circular A-118 recognizes the unique problems involved in administering and charging for the use of parking spaces at dispersed facilities on certain military installations and under specified conditions. It has authorized the Secretary of Defense to establish parking regulations and adjust fee schedules consistent with the intent of the circular to conserve energy through greater reliance on public transportation and car or van pooling. The exemptions depend on practical considerations of installation geography and conditions of military readiness.

(1) *Installation Geography.* Exemptions for reason of installation geography are those military installations, facilities, and properties in remote, usually inaccessible areas. Examples include, but are not limited to: radar stations or communication stations on mountain tops, survival camps, experimental stations in arctic or tropic locales, or portions of large installations that are remote from the cantonment or main built-up area of the base.

(2) *Conditions of Readiness.* For purposes of this Directive, readiness is related to the working hours of military personnel. Military personnel assigned to DoD activities fall generally into two categories: those who maintain regular hours and those who do not, such as those assigned to rotating watchstanding functions, periodical standby or alert functions, and, during certain periods, personnel on operational trials or maneuvers. These latter functions, due to their unpredictable patterns, may not fully lend themselves to car pooling or the payment of parking fees. Conversely, those with regular hours are better able to establish car pooling habits and, where rates are required, to pay those rates. The Secretaries of the Military Departments and Directors of Defense Agencies shall establish such regulations and policies for military

installations, facilities, and properties that are designed to encourage use of car and van pooling, public transportation, and installation shuttle buses to the maximum extent practicable, while providing exemptions to those individuals discussed above whose work schedules are not predictable.

(3) *Limitations.* The granting of the above exemptions applies only to the payment of parking fees and does not apply to the other provisions of this directive, particularly those contained in sections H. and J. relating to allocation and assignment of parking spaces, use of car and van pools, public transportation, and official responsibilities.

(e) *Collection and Deposit of Fees:* (1) Fees collected for the use of parking facilities at GSA-controlled locations shall be separately identified and applied to parking management costs and to the Standard Level User Charges paid by DoD Components to GSA for parking spaces subject to fee charges. As such, the need for appropriated funds to pay for parking spaces used by personnel should be reduced.

(2) Fees collected for the use of parking facilities at military installations net of the DoD Components' total direct costs of personnel parking management, operation, and maintenance shall be deposited ultimately to Miscellaneous Receipts of the Treasury.

(3) Appropriated funds for parking that are in excess of the DoD Component's direct parking costs net of parking fee receipts shall be applied towards supplemental appropriation requirements that the DoD Component intends to submit to OMB for review under OMB Circular A-11, "Preparation and Submission of Budget Estimates," May 25, 1978. Appropriated funds not so applied shall be recommended to the Congress for rescission.

(4) Collection of parking fees by DoD Components shall be handled in accordance with GAO Policy and Procedure Manual, Title 7, Fiscal Procedures, Chapter 3 that provides the regulations and instructions applicable to all classes of funds collected by officers and employees of the U.S. Government.

(5) The fees collected shall be accounted for and deposited in accordance with Treasury Fiscal Requirements Manual, Volume 1, Part 5, which prescribes the forms and procedures to be observed by the Government with respect to deposits for credit to the account of the U.S. Treasury.

(6) Proceeds collected from the sale of parking permits shall be turned over to

the servicing DoD accounting and finance officer for deposit to the following General Fund Receipt Clearing Accounts: Army—21F3875; Navy and Marine Corps—17F3875; Air Force—57F3875; OSD and Defense Agencies—97F3875.

Proceeds shall be kept separately in a specific subaccount by fiscal year and used only to reimburse expenses of parking management and operation incurred in that fiscal year. Within 60 days after the end of the fiscal year, the balance of proceeds shall be deposited in the U.S. Treasury General Fund Miscellaneous Receipts Account.

(7) The accounting and reporting principles and standards in the DoD 7220.9-H, "DoD Accounting Guidance Handbook," shall be applied. Especially pertinent are the cost accounting, accrued revenue, cost and the appropriation reimbursement and requirements in Chapter 2 as well as the related reporting requirements in Chapter 3.

H. E. Lofdahl,

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

December 13, 1979.

[FR Doc. 79-39085 Filed 12-19-79; 8:45 am]

BILLING CODE 3810-70-M

Uniformed Service University of the Health Sciences Privacy Act of 1974; Amended System of Records

AGENCY: Uniformed Services University of the Health Sciences (USUHS).

ACTION: Notice of an amended system of records.

SUMMARY: The USUHS is proposing to alter an existing system of records subject to the Privacy Act of 1974, Pub. L. 93-579 (5 U.S.C. 552a). The specific changes in the record system being altered is set forth below followed by the record system published in its entirety, as amended.

DATES: This altered record system shall be effective as proposed without further notice on January 21, 1980, unless comments are received on or before January 21, 1980, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the System Manager identified in the record system.

FOR FURTHER INFORMATION CONTACT: Mr. James S. Nash, Chief, Records Management Division, Room 5C-315 Pentagon, Washington, D.C. 20301, Telephone 202-695-0970.

SUPPLEMENTARY INFORMATION: The USUHS system of records notices inventory as prescribed by the Privacy

Act of 1974 have been published in the Federal Register as follows:

FR Doc. 79-37052 (44 FR 73702)

December 17, 1979

The USUHS has submitted an altered system report dated November 9, 1979 to the Office of Management and Budget (OMB) as required by section (c) of the Privacy Act of 1974 (5 U.S.C. 552a) and under guidelines established by OMB Circular A-108, Transmittal Memorandum No. 1 dated September 30, 1975 and Transmittal Memorandum No. 3, dated May 17, 1976. The guidelines provide guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of records under the Privacy Act of 1974. This OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

H. E. Lofdahl,

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

December 11, 1979.

WUSU03

System name:

Uniformed Services University of the Health Sciences (USUHS) Student Record System (44 FR 38992, July 3, 1979).

Changes:

Categories of records in the system:

At the end of the paragraph under this heading, change the period to a comma, then insert: "which includes records containing personal data e.g., name, rank, Social Security Number (SSN), undergraduate school, academic degree(s), current addresses, course grades, and grade point average from undergraduate work, and other information as furnished by non-Government agencies such as the American Medical College Admission Service which verifies all information prior to its being submitted to the University."

Routine uses of records maintained in the system, including categories of users, and the purposes of such uses:

Delete the entry and insert:

Internal users, uses, and purposes:

The system will be used for: recording internships, residencies, types of assignment and other career performance data on USUHS graduates; providing academic data to each student upon request, e.g., transcripts, individual course grades, grade point average, etc.; providing academic data within the Uniformed Services University of the

Health Sciences for official use only purposes; and providing data to the respective Surgeons General when a specific and authorized need requires it.

External users, uses, and purposes:

Academic data may be provided to other educational institutions upon the written request of a student.

For other external uses, see Uniformed Services University of the Health Sciences (USUHS) Blanket Routine Uses at the head of this Component's published system notices."

Storage:

Delete the period after the word "folders", and insert: "are stored at USUHS, supported by automated copies of subsets of each student's folder which are maintained on magnetic tape and disk at the Air Force Data Services Center in the Pentagon, Washington, D.C."

Retrievability:

Delete "SSAN", and insert: "Social Security Number (SSN). Also, any combination of data in the file can be used to select individual records. Only personnel in the Office of the Registrar will be provided with the password that allows access to the data, and those individuals are authorized access to all data in the file."

Safeguards:

Delete the entry and insert:
"a. Current hard copies of records prior to processing for computer storage are retained in a safe located in a limited access area at the University. The initial source of automated data on each student is transferred directly from the admission system, WUSU04, when each new class is admitted. Only data for enrolled students is transferred. Teaching facility, instructor, course, and grade information are entered by Registrar personnel as they are received. Transcripts, Course Rosters and Grade reports are produced at the terminal upon request by the Registrar's personnel. Approved special requests for data can be supported by ad hoc inquiry. Any combination of data can be used to select individual records for special processing.

b. The computer facility is operated by the Air Force Data Services Center, the Pentagon, Washington, D.C. The computer hardware, disks, tapes and other materials, are secured in an alarmed controlled and guarded area. Outside access is via access list, escort, or controlled dial-in to the unclassified computers located in the center. Dial-in access for all system users is password controlled.

c. All access to AFDSC computer is via user identification and sign-on password, whether from a hardwired terminal or dial-in terminal. Computer software ensures that only properly identified users can access the Privacy Act files on this system. Passwords are changed semiannually, or upon the departure of any person knowing the password.

d. Hardcopy files are stored at the University, and computer files are stored on magnetic tape and disk at the Air Force Data Services Center in the Pentagon, Washington, D.C. The remote terminal retains no data.

e. The automated system is operated by a Data Base Management System. In addition to the sign-on password, this system allows a user to access only those specific files authorized that user. Only Registrar personnel will be given the password and user identification information needed to access the computer system. Those persons are authorized access to all fields in the data base. While the file is primarily indexed on Social Security Number (SSN), and name, any combination of fields and data within fields can be used to select individual records."

Notification procedures:

Delete the entry under this heading, and insert:
"Information may be obtained from: Mr. Peter J. Stavish, Registrar, USUHS, Bethesda, Maryland 20014, Telephone: 202-295-2295/6".

Record source categories:

Change the period after the word "personnel" to a semicolon, and insert: "the individual concerned; the National Board of Medical Examiners; and the Applicant File System".

WUSU03

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Student Record System.

SYSTEM LOCATION:

The file will be maintained in the Registrar's Office, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014. Supplemental files consisting of student evaluation forms, grades, and course examinations pertaining to their department will be maintained in each department by departmental chairmen, as well as in the Registrar's office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on all students who matriculate to the University.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grade reports and instructor evaluations of performance/achievement; transcripts summarizing by course title, grade, and credit hours; records of awards, honors, or distinctions earned by students; and data carried forward from the Applicant File System, which includes records containing personal data e.g., name, rank, Social Security Number (SSN), undergraduate school, academic degree(s), current addresses, course grades, and grade point average from undergraduate work and other information as furnished by non-Government agencies such as the American Medical College Admission Service which certifies all information prior to being submitted to the University.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92-426, Chapter 104, Section 2114.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND PURPOSE OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES:

The system will be used for: recording internships, residencies, types of assignment and other career performance data on USUHS graduates; providing academic data to each student upon request, e.g., transcripts, individual course grades, grade point average, etc.; providing academic data within the Uniformed Services University of the Health Sciences for official use only purposes; and providing data to the respective Surgeons General when a specific and authorized need requires it.

EXTERNAL USERS, USES, AND PURPOSES:

Academic data may be provide to other educational institutions upon the written request of a student.

For other external uses, see Uniformed Services University of the Health Sciences (USUHS) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS ON THE SYSTEM:

STORAGE:

Paper records in file folders are stored at USUHS, supported by automated copies of subsets of each student's folder, which are maintained on magnetic tape and disk at the Air Force Data Services Center in the Pentagon, Washington, D.C.

RETRIEVABILITY:

The system will be indexed by name and Social Security Number (SSN). Also any combination of data in the file can be used to select individual records. Only personnel in the Office of the Registrar will be provided with the password that allows access to the data, and those individuals are authorized access to all data in the file.

SAFEGUARDS:

a. Current hardcopy records, prior to processing for computer storage are retained in a safe located in a limited access area at the University. The initial source of automated data on each student is transferred directly from the admission system, WUSU04, when each new class is admitted. Only data for enrolled students is transferred. Teaching facility, instructor, course, and grade information are entered by Registrar personnel as they are received. Transcripts, Course Rosters, and Grade reports are produced at the terminal upon request by the Registrar's personnel. Approved special requests for data can be supported by ad hoc inquiry. Any combinations of data can be used to select individual records for special processing.

b. The computer facility is operated by the Air Force Data Services Center, the Pentagon, Washington, D.C. The computer hardware, disks, tapes and other materials are secured in an alarmed controlled and guarded area. Access is via access list, escort, or controlled dial-in to the unclassified computers, located in the center. Dial-in access for all system users is password controlled.

c. All access to AFDCS computers is via user identification and sign-on password, whether from a hardwired terminal or dial-in terminal. Computer software ensures that only properly identified users can access the Privacy Act files on this system. Passwords are changed semiannually, or upon the departure of any person knowing the password.

d. Hardcopy files are stored at the University, and computer files are stored on magnetic tape and disc at the Air Force Data Services Center in the Pentagon, Washington, D.C. The remote terminal retains no data.

e. The automated system is operated by Data Base Management System. In addition to the sign on password, this system allows a user to access only those specific files authorized that user. Only Registrar personnel will be given the password and identification information needed to access the computer system. Those persons are authorized access to all fields in the

data base. While the file is primarily indexed on Social Security Number (SSN), and name, any combination of fields and data within fields can be used to select individual records.

RETENTION AND DISPOSAL:

Records will be maintained permanently.

SYSTEM MANAGER(S) AND ADDRESSES:

The Registrar, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

NOTIFICATION PROCEDURE:

Information may be obtained from: Mr. Peter J. Stavish, Registrar, USUHS, Bethesda, Maryland 20014, Telephone: 202-295-2295/6.

RECORD ACCESS PROCEDURES:

Requests to review individual student's records may be made by telephone or visit to the Registrar's office, USUHS, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

Written requests should include name, Social Security Number (SSN), and dates attended.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is furnished by instructor personnel; the individual concerned; the National Board of Medical Examiners; and the Applicant File System. None.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: None.

[FR Doc. 79-38912 Filed 12-19-79; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY**Economic Regulatory Administration**

[ERA Cases Nos. 55023-9053-01-12 and 55023-9053-02-12; Docket No. ERA-FC-79-001]

Anheuser-Busch, Inc: Order Granting Exemptions From Prohibitions of Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Order Granting Exemptions from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

SUMMARY: On June 15, 1979, Anheuser-Busch, Incorporated (Anheuser-Busch),

petitioned the Economic Regulatory Administration (ERA), of the Department of Energy for an order which would permanently exempt two planned major fuel burning installations (MFBI) at the Company's Los Angeles Brewery from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), relating to the use of petroleum or natural gas in new MFBI's. ERA accepted the petition on July 11, 1979, and published notice of its acceptance, together with a statement of the reasons set forth in the petition for requesting the exemptions, in the Federal Register on July 19, 1979 (44 FR 42307). Publication of the notice of acceptance commenced a 45 day public comment period pursuant to Section 701 of FUA. Interested parties were also afforded an opportunity to request a public hearing. The comment period ended September 4, 1979. No comments were submitted. No hearing was requested.

ERA's staff reviewed the information contained in the record of the proceeding. A Tentative Staff Determination was made which recommended that ERA issue an order which would grant Anheuser-Busch permanent exemptions to use natural gas or petroleum in the two planned MFBI's. A notice of availability of the Tentative Staff Determination was printed in the Federal Register on November 20, 1979 (44 FR 66652). The publication of the Notice of Availability opened a 14 day public comment period which ended December 4, 1979. No comments were received.

This order grants Anheuser-Busch permanent exemptions to use, in the aggregate, for the two boilers not more than 1,323 billion Btu's per year of either natural gas or the petroleum as specified in the terms and conditions contained in this order.

DATES: This order will not take effect prior to the 60th calendar day after publication of this order in the Federal Register or until ERA has approved the compliance plan required by the terms and conditions contained in this order, whichever occurs later.

ADDRESSES: For Further Information Contact:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461, Phone (202) 634-2170.

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW.,

Room 3128, Washington, D.C. 20461, Phone (202) 254-7814.

G. Randolph Comstock, Acting Assistant General Counsel for Coal Regulations, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6G-087, Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION:

Anheuser-Busch, Incorporated (Anheuser-Busch or the Petitioner) plans to install two 143,700,000 Btu/hr (heat input rate) oil or natural gas fired boilers to expand its Los Angeles, California brewery.

The Economic Regulatory Administration (ERA) published interim rules on May 15 and 17, 1979 (44 FR 28530, 28950) to implement provisions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act). FUA prohibits the use of natural gas or petroleum in certain new major fuel burning installations (MFBIs) unless an exemption for such use has been granted. On June 15, 1979, Anheuser-Busch petitioned ERA for an order which would permanently exempt the two planned MFBIs from the prohibitions of Title II of FUA.

Anheuser-Busch's June 15, 1979, petition requested the following permanent exemptions from the prohibitions of Title II of FUA for the reasons noted:

1. Permanent exemption due to inability to comply with applicable environmental requirements.

For each of the planned units a permanent exemption pursuant to Section 212(a)(1)(c) of the Act based upon an asserted inability to comply with applicable environmental requirements by using coal, petroleum coke, or RDF.

2. Permanent exemption due to lack of alternate fuel supply.

For each of the planned units a permanent exemption pursuant to Section 212(a)(1)(A)(ii) of the Act based upon an asserted lack of supply of low Btu gas derived from coal at a cost which does not substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the units.

3. Permanent exemption due to site limitations.

For each of the planned units, a permanent exemption pursuant to Section 212(a)(1)(B) of the Act based upon an asserted inability to use solar energy due to site limitations.

Anheuser-Busch met the general requirements for exemptions by demonstrating, in accordance with Section 213(a)(1) of the Act, that (1) the

use of a mixture of coal, petroleum coke, or RDF and petroleum is not technically feasible because such mixtures cannot be burned without violating applicable environmental requirements, and (2) that use of a mixture of solar energy and petroleum is not economically feasible.

ERA's decision to grant exemptions to Anheuser-Busch from the prohibitions of FUA was based on an analysis of the entire record of the proceeding. ERA, by this notice, grants Anheuser-Busch the following permanent exemptions from the prohibitions of FUA, subject to the terms and conditions stated below:

1. A permanent exemption due to inability to comply with applicable environmental requirements.

For each of the two planned units, a permanent exemption is granted to use a low sulfur residual oil or natural gas based upon Anheuser-Busch's demonstration, pursuant to Section 212(a)(1)(c) of the Act, of an inability to burn coal, petroleum coke or RDF without violating applicable environmental requirements.

2. A permanent exemption due to lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

For each of the two planned units, a permanent exemption is granted to use a low sulfur residual oil or natural gas based upon Anheuser-Busch's demonstration, pursuant to Section 212(a)(1)(A)(ii) of the Act, that the cost of using a low Btu gas derived from coal would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the units.

3. A permanent exemption due to site limitations.

For unit No. 5 a permanent exemption is granted to use a low sulfur residual oil or natural gas based upon Anheuser-Busch's demonstration, pursuant to Section 212(a)(1)(B) of the Act, that site limitations, which cannot be overcome within five years after commencement of operations, preclude the use of solar energy.

4. A permanent exemption due to a lack of alternate fuel at a cost which does not substantially exceed the cost of using imported petroleum.

Petitioner's request for a permanent exemption for unit No. 6 due to site limitations is denied since ERA has determined that such site limitations as do exist would not preclude the use of solar energy. However, a permanent exemption is granted to use a low sulfur residual oil or natural gas based upon data supplied by the Petitioner and pursuant to Section 212(a)(1)(A)(ii) of the Act, based on the lack of an

alternate fuel supply since the cost of using solar energy would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the unit.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to include in any order granting an exemption appropriate terms and conditions. Based upon information submitted by Anheuser-Busch and upon the results of the staff analysis, this order is granted on the following terms and conditions:

A. The Company shall incorporate the following conservation measures into its brewery expansion:

1. Installation of wort cooler process heat recovery in the expansion area.

2. Installation of economizers on all boilers.

2. Installation of flue gas analyzers and trim controls on all boilers.

4. Installation of blowdown heat recovery systems with respect to all boilers.

5. Incorporation into the heating, ventilating, and air conditioning system in the expansion area a provision to use cold cellar exhaust air to cool incoming fresh air.

6. Provision for the recovery of fluid sensible heat utilized in the chip washer in the expansion area.

7. Installation of a system to recover brew kettle vent stack heat.

8. Redesign of the ammonia refrigeration system to permit operation of two suction pressures.

9. Installation of high pressure sodium indoor lighting in the expansion area wherever possible.

10. Installation of time and photocell controls on outside lighting.

11. Installation of switching to provide for two levels of lighting and installation of additional circuit switches in branch circuits to encourage the turning off of lights when not needed.

12. Installation of a cold deaerator process for water treatment.

13. Conduct of a field survey of the piping in the existing brewery to determine what, if any, piping should be reinsulated to meet the Company's specification (TP-66) and the reinsulation of piping so identified to which physical access can be had for practical reinsulation.

14. Evaluation of the feasibility of increasing a brew kettle vent stack heat recovery system into the existing portion of the brewery.

15. In addition to the above conditions, the Company has voluntarily agreed to the installation of a solar energy system for hot water and heating

and cooling at either the present administration building at the Los Angeles brewery or a new hospitality center should Anheuser-Busch decide to build such a facility at the Los Angeles brewery. Such installation shall have the following specifications:

a. Utilization of 2,000 square feet of roof area or its equivalent of high efficiency flat plate collectors so as to deliver water at from 175 F. to 220 F.

b. The hot water shall be used to drive an absorption air conditioning system in the summer and provide space heating in the winter, together with supplying hot water for internal building use.

The Company shall notify ERA of its decision concerning selection of the building in which the solar energy system will be installed within one year from the effective date of this order, and will complete the project within three years from the effective date of this final order.

B. The permanent exemptions granted by this order, pursuant to Section 212(a)(1)(c) of the Act, are based on petitioner's demonstration that coal, petroleum coke or RDF cannot be used in the boilers without violating applicable environmental requirements within five years after the projected date of commencement of operation of the units. Specifically, Anheuser-Busch demonstrated that the use of coal, petroleum coke or RDF could not be used in the boilers without violating Prohibitory Rule 476 promulgated by the South Coast Air Quality Management District pursuant to the laws of the State of California. Prohibition Rule 476 establishes an absolute limitation of 225 parts per million on the amount of oxides of nitrogen (NOx) emissions from a new industrial steam boiler. Anheuser-Busch has further demonstrated that no administrative relief from this requirement, in the form of a variance, the acquisition of emission offsets, or a change in the State Implementation Plan, is available.

In the event that the new boilers cannot comply with the 225 parts per million standard for NOx emissions, the permanent exemptions granted herein will be subject to termination. Anheuser-Busch is required to report to the ERA within 15 days any violation of the NOx standard resulting from the operation of these units.

C. The petroleum fuel used in these boilers shall not exceed the limits of the following control specifications:

Gravity, API deg.—Maximum, 22.1.
Viscosity, SSU at 100 deg. F.—Minimum, 60.
BTU, per gallon—Minimum, 140,000.
Sulfur, percent by wt.—Maximum, 0.25.

D. The two new boilers shall, in the aggregate, burn no more than 1,323 billion Btu's in any consecutive 12 month period of either the petroleum defined in C above or natural gas. If during any consecutive 12 month period the fuel consumed by the boilers exceeds the amount of fuel permitted to be consumed under this term and condition, such excess consumption shall be reported to ERA within 30 days after the close of such consecutive 12 month period. The petitioner shall provide to ERA, in its compliance plan required to be submitted to ERA pursuant to Section E below, the method by which it intends to keep accurate and complete fuel consumption records so as to enable petitioner to monitor its compliance with this term and condition and to report any violation thereof.

E. The Company shall submit an acceptable compliance plan with respect to the foregoing conditions within thirty days from the date of this order. This order shall not take effect until ERA has approved, in writing, the compliance plan submitted by Anheuser-Busch, or earlier than the 60th calendar day after publication of the order in the Federal Register, whichever occurs later.

Issued in Washington, D.C., on December 14, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39074 Filed 12-19-79; 8:45 am]
BILLING CODE 6450-01-M

Fuel Oil Marketing Advisory Committee; Open Meeting

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:

Title: Fuel Oil Marketing Advisory Committee.

Date and time: Monday, January 21, 1980—9:00 a.m.

Place: Jack Tar Hotel, Cathedral Hill—A, Van Ness at Geary, San Francisco, California.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy—Room 8G087, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone—202-252-5187.

Purpose of committee: The Committee was established to provide the Secretary of Energy with expert and technical advice concerning the marketing of fuel oil as it relates to the development and implementation of policies and programs by the Department of Energy.

Tentative agenda: Old Business. Status report: Low-Income Energy Assistance. Distillate supply situation. Fuel oil

marketer credit and storage problems. New Business. Public Comment (10 minute rule).

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee 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 contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the 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, SW., 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.

Issued at Washington, D.C., on December 14, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

FR Doc. 3907 Filed 12-19-79; 8:45 am]

BILLING CODE 6450-01-M

Ozona Gas Processing Plant, a Partnership; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order an opportunity for Comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: November 26, 1979.

COMMENTS BY: January 21, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [Phone] (214) 767-7745.

SUPPLEMENTARY INFORMATION: On November 26, 1979, the Office of Enforcement of the ERA executed a proposed Consent Order with Ozona Gas Processing Plant, A Partnership, of Tyler, Texas. Under 10 CFR 205.199(b), a proposed Consent Order which

involves a sum of \$500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

Ozona Gas Processing Plant, A Partnership, is a firm engaged in the processing of natural gas and sale of natural gas liquid products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 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 sales of natural gas liquid products, the Office of Enforcement, ERA, and Ozona Gas Processing Plant, A Partnership, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1973 through December 1974 and it included all sales of natural gas liquid products which were made during that period.

2. Ozona Gas Processing Plant, A Partnership, did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subpart E, when determining the prices to be charged for its natural gas liquid products; 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 Ozona Gas Processing Plant, A Partnership, have agreed to a settlement in the amount of \$814,000.00. The terms of the refund consist of \$203,500 to be refunded within 90 days of the effective date of the Consent Order, with the balance of the refundable amount divided into three equal installments to be paid 90 days from first and each other. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Ozona Gas Processing Plant, A Partnership.

4. 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, Ozona Gas Processing Plant, A Partnership, 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 sum of \$814,000.00 in the manner specified in I.3. above. Refunded overcharges will be in the form of certified checks 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 205.199l(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 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, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235. You may obtain a free copy of this Consent Order by writing to the same address or by 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 Ozona Gas Processing Plant, A Partnership, Consent Order." We will consider all comments we receive by 4:30 pm, local time, on January 21, 1980. 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 29th day of November, 1979.

Wayne I. Tucker,
District Manager, Southwest District
Enforcement, Economic Regulatory
Administration.

[FR Doc. 79-35084 Filed 12-19-79; 8:45 am]
BILLING CODE 6450-01-M

Issuance of ERA Forms and Notification of Their Mandatory Use in Petitioning for Exemptions From Prohibitions of Title II the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Issuance of ERA Forms and Notification of their Mandatory Use in Petitioning for Exemptions from the Prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of the issuance of the below listed ERA forms to be used by owners or operators of new powerplants and new major fuel burning installations (MFBI or installation) to petition for exemptions from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) (42 U.S.C. 8301 *et seq.*) In accordance with the provisions of the Federal Reports Act, these ERA forms have been approved by the Office of Management and Budget.

Form No. and Title

ERA-301A General Form for New

Powerplant Exemption Petition

ERA-301B General Form for New

Installation Exemption Petition

ERA-302 Temporary Exemption for Future

Use of Synthetic Fuels for New

Powerplants and New Installations

ERA-304 Exemption Due to a Lack of

Alternate Fuel for New Powerplants and

New Installations

- ERA-305 Temporary and Permanent Site Limitation Exemption for New Powerplants and New Installations
- ERA-307B Permanent Exemption for New Installations Due to inability to Obtain Adequate Capital
- ERA-309 Permanent Exemption for Cogeneration for New Powerplants and New Installations
- ERA-312 Permanent Exemption for New Powerplants Necessary to Maintain Reliability of Service
- ERA-313 Permanent Exemption for Peakload Powerplants
- ERA-314 Permanent Exemption for Intermediate Load Powerplants
- ERA-315 Permanent Exemption for New Installations Necessary to Meet Scheduled Outages
- ERA-317 Schedule A—General and Special Cost Tests for New Powerplants
- ERA-318 Schedule B—General and Special Cost Tests for New Installations
- ERA-319 Schedule C—No Alternative Power Supply
- ERA-320 Schedule D—Use of Mixtures: General Requirement for New Installations and Powerplants
- ERA-321 Schedule E—General Requirement for Alternative Sites (Powerplants)

Title II of FUA prohibits the use of natural gas and petroleum as a primary energy source in new powerplants and MFBI's unless an exemption has been granted by ERA. Procedures and criteria for petitioning for exemptions from the prohibitions of FUA are contained in ERA's Interim Rules published in the *Federal Register* at 44 FR 28530 (May 15, 1979) and at 44 FR 28950 (May 17, 1979).

The ERA forms announced herein are based upon the procedures and criteria outlined in the Interim Rules and are designed to facilitate the preparation of requests for exemptions by petitioners and ERA's analyses of those requests. The forms consist of: (a) General forms which serve to identify the petitioning facility and to provide information required by ERA that is common to all types of exemptions, (b) forms delineating the eligibility and evidentiary requirements of specific exemptions, and (c) schedules designed to provide in a specific format the data and analyses required in the Fuels Decision Report (Issuance Notice at 44 FR 28974, May 17, 1979) in addressing certain general requirements for exemptions.

ERA has decided not to issue forms for the purposes of addressing the eligibility and evidentiary requirements for the following exemptions:

- Public Interest Exemption (§§ 503.25 and 505.15 of the Interim Rules)
- State or Local Requirements (§§ 503.36 and 505.26 of the Interim Rules)
- Emergency Purposes (§§ 503.39 and 505.29 of the Interim Rules)

The required showings for these exemptions are not conducive to condensation within the confines of a form. Persons requesting any of these exemptions should address the eligibility and evidentiary requirements in their Fuels Decision Report in a manner consistent with the requirements stipulated in the applicable sections of the Interim Rules and the circumstances upon which the exemption request is predicated.

MANDATORY USE: Effective January 15, 1980, the use of the ERA forms indicated herein is mandatory for requesting exemptions from the prohibitions of Title II of FUA. After that date, petitions filed with ERA which do not contain completed ERA forms applicable to the exemption or exemptions being requested, will be considered incomplete and returned to the petitioner under the provisions of § 501.3(d) of the Interim Rules. ERA feels that this effective date will allow sufficient lead time to obtain the appropriate ERA forms.

OBTAINING OF FORMS:

The ERA FUA forms may be obtained at: ERA, Room B-110, 2000 M Street, NW, Washington, D.C.—Monday–Friday, 8 a.m.–4:30 p.m.

The forms also may be requested by telephoning or writing to: Office of Public Information, Economic Regulatory Administration, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, Phone (202) 634-2170.

INFORMATION CONTACT: For information and guidance in determining the ERA forms required for specific exemption requests and for assistance in their completion, contact:

New Powerplants: Louis Krezanosky, Chief, New Powerplant Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 254-7442.

New Installations: Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 254-7814.

SUPPLEMENTARY INFORMATION: Proposed forms for petitioning for exemptions from the prohibitions of FUA, developed to implement the procedures and criteria promulgated in ERA's proposed rules implementing the provisions of FUA, were published for public comment on February 12, 1979, at 44 FR 9053. The OMB-approved ERA forms which are the subject of this notice incorporate pertinent comments received on the proposed forms and contain revisions necessitated by substantial changes to the procedures and criteria established

by the subsequently issued Interim Rules.

ERA has previously issued other OMB-approved forms for use in conjunction with other provisions of FUA. These are:

Form Number and Title

- ERA-300A Transitional Powerplant Request for Existing Facility Classification
- ERA-300B transitional Installation Request for Existing Facility Classification
- ERA-300C Powerplant and Installation Certification for Operational Facilities—(Issuance noticed at 44 FR 28040, May 14, 1979)
- ERA-316 Temporary Public Interest Exemption for Use of Natural Gas by Existing Powerplants—(Issuance noticed at 44 FR 46676, August 8, 1979)

The ERA-316 may be obtained at the same addresses cited for Title III FUA exemption forms. The ERA-300A, ERA-300B and ERA-300C are currently being revised. A Notice of Availability will be published in the *Federal Register* as soon as the revisions are completed and the forms have been approved by OMB.

Issued in Washington, D.C., on December 14, 1979.

Robert L. Davies,
Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39076 Filed 12-19-79; 8:45 am]

BILLING CODE 6450-01-M

Tesoro Petroleum Corp.'s Application for Permission To Use Multiple Allocation Fractions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application and Request for Comments.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby gives notice that on November 9, 1979, Tesoro Petroleum Corporation (Tesoro), in accordance with the provisions of 10 CFR 205.90 *et seq.* and § 211.10(b), filed an application for permission to use separate motor gasoline allocation fractions for the marketing areas served by its wholly owned subsidiaries, Tesoro Petroleum Distributing Company, doing business as Tesoro Marketing Company, and Tesoro Refining, Marketing and Supply Company.

A copy of Tesoro's application, with proprietary material deleted may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the Economic Regulatory Administration, Office of Petroleum Operations, 2000 M Street, NW., Room 6222-C, Washington, D.C. 20461.

DATE: Interested firms may submit comments on Tesoro's application until close of business, January 25, 1980.

ADDRESS: Send comments to: Economic Regulatory Administration, Office of Petroleum Operations, Room 6222, 2000 M Street, NW., Washington, D.C. 20461, Attn: Alan T. Lockard.

FOR FURTHER INFORMATION CONTACT:

John A. Carlyle, Economic Regulatory Administration, Office of Petroleum Operations, Room 6222-C, 2000 M Street, NW., Washington, D.C. 20461, Telephone: (202) 254-3330.

Joel M. Yudson, Office of the General Counsel, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20461, Telephone: (202) 252-6744.

Issued in Washington, D.C., on the 17th day of December 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-39073 Filed 12-19-79; 8:45 am]

BILLING CODE 6450-01-M

Parman Oil Co.; Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Settlements.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that a Consent Order was entered into between the Office of Enforcement, ERA, and the firm listed below during the month of September 1979. The Consent Order represents resolution of an outstanding enforcement proceeding by the DOE and the firm involving a sum of less than \$500,000 in the aggregate, excluding any penalties and interest. For a Consent Order involving a sum of \$500,000 or more, Notice will be separately published in the Federal Register. This Consent Order is concerned exclusively with payment of the refunded amount for alleged overcharges made by this firm during the time period indicated. In full settlement of any and all civil liability, a refund by certified check has been made to the U.S. Department of Energy for distribution in a just and equitable manner in accordance with applicable laws and regulations.

For further information regarding this Consent Order, please contact James C. Easterday, District Manager of Enforcement, Southeast District, Economic Regulatory Administration, 1655 Peachtree Street, NE, Atlanta, Georgia 30309, telephone number (404) 881-2661.

Firm name and address	Settlement amount	Product	Period covered	Recipients of settlement
Parman Oil Company, Nashville, Tennessee.	\$45,000	Middle Distillates/Motor Gasoline.	11/73-2/76	Unidentified Customers.

Issued in Atlanta on the 11th day of December 1979.

James C. Easterday,
District Manager.

Approved for Signature.

Len Bittner,

Chief Enforcement Counsel.

[FR Doc. 79-39079 Filed 12-19-79; 8:45 am]

BILLING CODE 6450-01-M

Texas Oil & Gas Corp.; 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: November 26, 1979.

COMMENTS BY: January 21, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District,

Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745.

SUPPLEMENTARY INFORMATION: On November 26, 1979 the Office of Enforcement of the ERA executed a Consent Order with Texas Oil & Gas Corporation of Dallas, Texas. Under 10 CFR 205.199J(b), the Consent Order which involves a sum of \$500,000 or more in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Texas Oil and Gas Corporation, with its office located in Dallas, 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 Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Texas Oil and Gas Corporation, 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 August 31, 1978, and it included all sales of crude oil which were made during that period.

2. 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 Texas Oil and Gas Corporation have agreed to a settlement in the amount of \$1,718,800. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Texas Oil and Gas Corporation.

4. Because the sales of crude oil were made to refiners and the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 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, Texas Oil and Gas Corporation 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 sum of \$1,718,800 shall be refunded within thirty (30) days from the effective date of this 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 amount 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 205.199(a).

III. Submissions 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, Southwest 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 by 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 Consent Order." We will consider all comments we received by 4:30 p.m., local time on January 21, 1980. 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 30th day of November 1979.

Herbert F. Buchanan,
Deputy District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-39075 Filed 12-19-79; 8:45 am]
BILLING CODE 6450-01-M

Union Oil Co. of California's Application for Permission To Use Multiple Allocation Fractions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application and Request for Comments.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby gives notice that on November 15, 1979, Union Oil Company of California (Union), in accordance with the provisions of 10 CFR 205.90 *et seq.* and § 211.10(b), filed an application for permission to use multiple allocation fractions for the sale of motor gasoline in its eastern marketing and refining region and its western marketing and refining region.

A copy of Union's application, with proprietary material deleted may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the Economic Regulatory Administration, Office of Petroleum Operations, 2000 M Street, N.W., Room 6222-C, Washington, D.C. 20461.

DATE: Interested firms may submit comments on Union's application until close of business, January 18, 1980.

ADDRESS: Send comments to: Economic Regulatory Administration, Office of Petroleum Operations, Room 6222, 2000 M Street, N.W., Washington, D.C. 20461, Attn: Alan T. Lockard.

FOR FURTHER INFORMATION:

John A. Carlyle, Economic Regulatory Administration, Office of Petroleum

Operations, Room 6222-C, 2000 M Street, N.W., Washington, D.C. 20461, Telephone: (202) 254-3330.

Joel M. Yudson, Office of the General Counsel, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20461, Telephone: (202) 252-6744.

Issued in Washington, D.C., on the 17th day of December 1979.

Doris J. Dewton,
Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-39083 Filed 12-19-79; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[No. 121]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

December 10, 1979.

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

Alabama Oil and Gas Board

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

1. 80-06250/11-2-795PDA
2. 01-075-20155-0000
3. 102 000 000
4. Grace Petroleum Corp
5. McGill 33-1
6. Cut Bank Creek
7. Lamar AL
8. 180.0 million cubic feet
9. November 10, 1979
10. Tenn Gas Pipeline Co
1. 80-06251/11-2-794PDA
2. 01-075-20147-0000
3. 102 000 000
4. Grace Petroleum Corp
5. Ogden 4-6
6. Beaverton
7. Lamar AL
8. 180.0 million cubic feet
9. November 10, 1979
10. Northwest Alabama Gas District

1. 80-06252/11-2-791PD
2. 01-075-20012-0000
3. 102 000 000
4. Grace Petroleum Corp
5. Barnes 3-13
6. Bankston
7. Fayette AL
8. 36.0 million cubic feet

9. November 10, 1979
 10. Warrior Drilling and Expl Co Inc
 1. 80-06253/7-6-7916PDB
 2. 01-075-20117-0000
 3. 102 000 000
 4. Skelton Operating Co Inc
 5. Orlan Lucas No 1
 6. Fairview
 7. Lamar AL
 8. 100.0 million cubic feet
 9. November 10, 1979
 10. Northwest Alabama Gas Dist
 1. 80-06254/7-6-7917PDA
 2. 01-075-20121-000
 3. 102 000 000
 4. Skelton Operating Co Inc
 5. F C Hollis No 2
 6. Fairview
 7. Lamar AL
 8. 100.0 million cubic feet
 9. November 10, 1979
 10. Northwest Alabama Gas Dist

Colorado Oil and Gas Conservation Commission

1. Control Number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or Block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 80-0634/79-387
 2. 05-123-08329-0000
 3. 108 000 000
 4. Amoco Production Company
 5. Adler Carl Gas Unit B #1
 6. Wattenberg
 7. Weld CO
 8. 11.0 million cubic feet
 9. November 1, 1979
 10. Panhandle Eastern Pipeline

Kansas Corporation Commission

1. Control Number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or Block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 80-06245/79-0641
 2. 15-053-20203-0000
 3. 108 000 000
 4. Marbol-Cuft
 5. Hysell #1
 6. Ellsworth Pool
 7. Ellsworth KS
 8. 25.7 million cubic feet
 9. November 9, 1979
 10. Ius Industries Inc

Michigan Department of Natural Resources

1. Control number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name

7. County, State or Block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 80-06345
 2. 21-137-32821-0000
 3. 103 000 000
 4. Amoco Production Company
 5. State Charlton A 3-28
 6. Charlton 28A-31N-1W
 7. Otsego, MI
 8. 113.0 million cubic feet
 9. November 14, 1979
 10. Consumers Power Co.
 1. 80-06346
 2. 21-137-32605-0000
 3. 103 000 000
 4. Amoco Production Company
 5. State Charlton C 3-30
 6. Charlton 31-31N-1W
 7. Otsego, MI
 8. 36.0 million cubic feet
 9. November 14, 1979
 10. Consumers Power Co.
 1. 80-06347
 2. 21-079-32502-0000
 3. 102 000 000
 4. Amoco Production Company
 5. Simpson Unit W 4-25
 6. Coldsprings 25-28n-6W
 7. Kalkaska, MI
 8. 740.0 million cubic feet
 9. November 14, 1979
 10. Consumers Power Co.
 1. 80-06348
 2. 21-079-32193-0000
 3. 102 000 000
 4. Amoco Production Company
 5. Simpson S 2-36
 6. Coldsprings 36-28N-6W
 7. Kalkaska, MI
 8. 1270.0 million cubic feet
 9. November 14, 1979
 10. Consumers Power Co.

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or Block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 80-06246
 2. 30-045-06041-0000
 3. 108 000 000
 4. Fay Greer
 5. Winger State No. 1
 6. West Kutz Pictured Cliffs
 7. San Juan, NM
 8. 9.0 million cubic feet
 9. November 9, 1979
 10. El Paso Natural Gas Company
 1. 80-06247
 2. 30-039-06169-0000
 3. 108 000 000
 4. El Paso Natural Gas Company
 5. Canyon Largo Unit No. 109
 6. Blanco South-Pictured Cliffs Gas
 7. Rio Arriba, NM
 8. 21.0 million cubic feet

9. November 9, 1979
 10. El Paso Natural Gas Company
 1. 80-06248
 2. 30-025-26108-0000
 3. 103 000 000
 4. John S. Goodrich
 5. Mathers No. 2
 6. Bagley Penn North
 7. Lea, NM
 8. 50.0 million cubic feet
 9. November 9, 1979
 10. Warren Petroleum Co.
 1. 80-06249
 2. 30-039-20251-0000
 3. 108 000 000
 4. El Paso Natural Gas Company
 5. Canyon Largo Unit No. 147
 6. Otero Chacra Gas
 7. Rio Arriba, NM
 8. 23.7 million cubic feet
 9. November 9, 1979
 10. El Paso Natural Gas Company
 1. 80-06327
 2. 30-005-20685-0000
 3. 103 000 000
 4. Flag-Redfern Oil Company
 5. Southard A No. 2
 6. Tom-Tom (San Andres)
 7. Chaves, NM
 8. 11.0 million cubic feet
 9. November 13, 1979
 10. Natural Gas Pl Co of America
 1. 80-06328
 2. 30-005-20676-0000
 3. 103 000 000
 4. Flag-Redfern Oil Company
 5. Southard A No. 1
 6. Tom-Tom (San Andres)
 7. Chaves, NM
 8. 16.4 million cubic feet
 9. November 13, 1979
 10. Natural Gas Pl Co of America
 1. 80-06329
 2. 30-005-30680-0000
 3. 103 000 000
 4. Flag-Redfern Oil Company
 5. Southard 26 No. 3
 6. Tom-Tom (San Andres)
 7. Chaves, NM
 8. 16.4 million cubic feet
 9. November 13, 1979
 10. Natural Gas Pl Co of America
 1. 80-06330
 2. 30-005-20675-0000
 3. 103 000 000
 4. Flag-Redfern Oil Company
 5. Southard 26 No. 4
 6. Tom-Tom (San Andres)
 7. Chaves, NM
 8. 9.1 million cubic feet
 9. November 13, 1979
 10. Natural Gas Pl Co of America
 1. 80-06331
 2. 30-015-22600-0000
 3. 103 000 000
 4. Yates Petroleum Corporation
 5. Johnson Jt Com No. 1
 6. Wildcat Cisco
 7. Eddy, NM
 8. .0 million cubic feet
 9. November 13, 1979
 10. Transwestern Pipeline Co.
 1. 80-06332
 2. 30-005-20569-0000

3. 103 000 000
4. Flag-Redfern Oil Company
5. Southard 28 No. 1
6. Tom-Tom (San Andres)
7. Chaves, NM
8. 7.3 million cubic feet
9. November 13, 1979
10. Natural Gas Pl Co of America
1. 80-06333
2. 30-025-26166-0000
3. 103 000 000
4. John S. Goodrich
5. Amerada State No. 2
6. Bagley Penn North
7. Lea, NM
8. 50.0 million cubic feet
9. November 13, 1979
10. Warren Petroleum Co.
1. 80-06334
2. 30-025-28233-0000
3. 103 000 000
4. Phillips Petroleum Company
5. East Vacuum GB/SA TR 3456 No. 005
6. Vacuum BB/SA
7. Lea, NM
8. 59.0 million cubic feet
9. November 13, 1979
10. El Paso Natural Gas Company
1. 80-06335
2. 30-025-26319-0000
3. 103 000 000
4. Lewis B Burleson Inc.
5. Horner No. 3
6. Jalmat
7. Lea, NM
8. 75.0 million cubic feet
9. November 13, 1979
10. El Paso Natural Gas Company
1. 80-06336
2. 30-015-22988-0000
3. 103 000 000
4. Sol West III
5. Turkey Track Com. No. 1
6. Undes N Turkey Track (Morrow Gas)
7. Eddy, NM
8. 900.0 million cubic feet
9. November 13, 1979
10. El Paso Natural Gas Company
1. 80-06337
2. 30-015-22884-0000
3. 103 000 000
4. Southland Royalty Company
5. State 30 Comm No. 1
6. Angell Ranch
7. Eddy, NM
8. 150.0 million cubic feet
9. November 13, 1979
10. El Paso Natural Gas Company
1. 80-06338
2. 30-005-20569-0000
3. 103 000 000
4. Flag-Redfern Oil Company
5. Southard 28 No. 2
6. Tom-Tom (San Andres)
7. Chaves, NM
8. 12.8 million cubic feet
9. November 13, 1979
10. Natural Gas Pl Co of America
1. 80-06339
2. 30-025-26022-0000
3. 102 000 000
4. Morris R Antwell
5. Landlady No. 1
6. N Caprock-Mississippian Pool
7. Lea, NM
8. 274.0 million cubic feet
9. November 13, 1979
10. El Paso Natural Gas Company
North Dakota Geological Survey
1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-06308/158-NGPA
2. 33-007-00269-0000
3. 102 000 000
4. Jerry Chambers-Oil Producer
5. 1-14 Franks Creek St
6. T R Field
7. Billings ND
8. 82.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06309/157-NGPA
2. 33-007-00287-0000
3. 102 000 000
4. Jerry Chambers-Oil Producer
5. 4-23 Franks Creek St
6. T R Field
7. Billings ND
8. 49.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06310/156-NGPA
2. 33-007-00285-0000
3. 102 000 000
4. Jerry Chambers-Oil Producer
5. 2-23 Franks Creek St
6. T R Field
7. Billings ND
8. 78.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06311/155-NGPA
2. 33-007-00261-0000
3. 102 000 000
4. Jerry Chambers-Oil Producer
5. 1-23 Franks Creek St
6. T R Field
7. Billings ND
8. 207.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06312/159-NGPA
2. 33-007-00000-0000
3. 102 000 000
4. Jerry Chambers-Oil Producer
5. 2-14 Franks Creek St
6. T R Field
7. Billings ND
8. 108.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06313/160-NGPA
2. 33-007-00274-0000
3. 102 000 000
4. Jerry Chambers-Oil Producer
5. 1-21 Franks Creek St
6. T R Field
7. Billings ND
8. 12.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06314/161-NGPA
2. 33-007-00273-0000
3. 102 000 000
4. Jerry Chambers-Oil Producer
5. 1-22 State
6. T R Field
7. Billings ND
8. 25.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06315/162-NGPA
2. 33-007-00280-0000
3. 102 000 000
4. Jerry Chambers-Oil Producer
5. 2-22 Mosser
6. T R Field
7. Billings ND
8. 48.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06316/163-NGPA
2. 33-007-00279-0000
3. 102 000 000
4. Jerry Chambers-Oil Producer
5. 1-15 State
6. T R Field
7. Billings ND
8. 9.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06317/164-NGPA
2. 33-007-00313-0000
3. 102 000 000
4. Jerry Chambers-Oil Producer
5. 2-15 State
6. T R Field
7. Billings ND
8. 7.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06318/165-NGPA
2. 33-007-00302-0000
3. 102 000 000
4. Jerry Chambers-Oil Producer
5. 1-26 Mosser
6. T R Field
7. Billings ND
8. 14.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06319/148-NGPA
2. 33-007-00315-0000
3. 102 000 000
4. Tenneco Oil Company
5. Burlington Northern #3-29
6. Four Eyes
7. Billings ND
8. 79.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06320/149-NGPA
2. 33-007-00230-0000
3. 102 000 000
4. Tenneco Oil Company
5. Burlington Northern #1-29 (Duparow)
6. Four Eyes
7. Billings ND
8. 113.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd
1. 80-06321/150-NGPA
2. 33-053-00805-0000
3. 102 000 000
4. Tenneco Oil Company
5. Rivet #1

6. Polker Jim
7. McKenzie ND
8. 29.0 million cubic feet
9. November 13, 1979
10.

1. 80-06322/151-NGPA
2. 33-053-00805-0000
3. 102 000 000
4. Tenneco Oil Company
5. Rivet #1
6. Poker Kim
7. McKenzie ND
8. 29.0 million cubic feet
9. November 13, 1979
10.

1. 80-06323/152-NGPA
2. 33-105-00783-0000
3. 102 000 000
4. Tenneco Oil Company
5. Clark 1-5—Red River
6. Missouri Ridge
7. Williams ND
8. 34.0 million cubic feet
9. November 13, 1979
10. Montana-Dakota Utilities Company

1. 80-06324/153-NGPA
2. 33-105-00783-0000
3. 102 000 000
4. Tenneco Oil Company
5. Clark 1-5—Stonewall
6. Missouri Ridge
7. Williams ND
8. 45.0 million cubic feet
9. November 13, 1979
10. Montana-Dakota Utilities Company

1. 80-06325/154-NGPA
2. 33-007-00230-0000
3. 102 000 000
4. Tenneco Oil Company
5. Burlington Northern #1-29 (Red River)
6. Four Eyes
7. Billings ND
8. 294.0 million cubic feet
9. November 13, 1979
10. Western Gas Processors Ltd.

Tennessee Oil and Gas Board, Division of Geology

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

1. 80-06027/A-8
2. 41-151-20125-0000
3. 102 000 000
4. Dixie Oil Company
5. C L Criscillis #1
6. Low Gap-Reuben Hollow
7. Scott TN
8. .0 million cubic feet
9. November 9, 1979
10.

1. 80-06028/A-10
2. 41-151-20148-0000
3. 102 000 000
4. Dixie Oil Company
5. Brimstone #3
6. Low Gap-Reuben Hollow
7. Scott TN

8. .0 million cubic feet
9. November 9, 1979
10.

1. 80-06029/A-11
2. 41-151-20135-0000
3. 102 000 000
4. Dixie Oil Company
5. Brimstone #2 Permit No 1248
6. Low Gap-Reuben Hollow
7. Scott TN
8. .0 million cubic feet
9. November 9, 1979
10.

1. 80-06030/A-12
2. 41-151-20338-0000
3. 102 000 000
4. Dixie Oil Company
5. Fred Walker #3
6. Low Gap-Reuben Hollow
7. Scott TN
8. .0 million cubic feet
9. November 9, 1979
10.

1. 80-06031/A-13
2. 41-151-20316-0000
3. 102 000 000
4. Dixie Oil Company
5. Criscillis #2
6. Low Gap-Reuben Hollow
7. Scott TN
8. .0 million cubic feet
9. November 9, 1979
10.

1. 80-06032/A-14
2. 41-151-20324-0000
3. 102 000 000
4. Dixie Oil Company
5. Fred Walker #2
6. Low Gap-Reuben Hollow
7. Scott TN
8. .0 million cubic feet
9. November 9, 1979
10.

1. 80-06033/A-15
2. 41-151-20316-0000
3. 102 000 000
4. Dixie Oil Company
5. Fred Walker #1
6. Low Gap-Reuben Hollow
7. Scott TN
8. .0 million cubic feet
9. November 9, 1979
10.

1. 80-06034/A-16
2. 41-151-20276-0000
3. 102 000 000
4. Dixie Oil Company
5. Bowling Carson #1
6. Low Gap-Reuben Hollow
7. Scott TN
8. .0 million cubic feet
9. November 9, 1979
10.

1. 80-06035/A-17
2. 41-151-20270-0000
3. 102 000 000
4. Dixie Oil Company
5. Brimstone-Bowling #1
6. Low Gap-Reuben Hollow
7. Scott TN
8. .0 million cubic feet
9. November 9, 1979
10.

1. 80-06036/A-18

2. 41-151-20263-0000

3. 102 000 000

4. Dixie Oil Company

5. Bowling-Brimstone et al #1

6. Low Gap-Reuben Hollow

7. Scott

8. .0 million cubic feet

9. November 9, 1979

10.

1. 80-060037/A-19

2. 41-151-20252-0000

3. 102 000 000

4. Dixie Oil Company

5. R Henry Bowling #1

6. Low Gap-Reuben Hollow

7. Scott TN

8. .0 million cubic feet

9. November 9, 1979

10.

1. 80-06038/A-20

2. 41-151-20201-0000

3. 102 000 000

4. Dixie Oil Company

5. Bowling-Radseck-Burress #1

6. Low Gap-Reuben Hollow

7. Scott TN

8. .0 million cubic feet

9. November 9, 1979

10.

1. 80-060039/A-50

2. 41-133-20045-0000

3. 102 000 000

4. Energy Resource Corp

5. W Mansell & E Fleming Unit #1

6. Flat Creek

7. Overton TN

8. 10.9 million cubic feet

9. November 9, 1979

10. City of Livingston TN, East Tennessee Natural Gas

1. 80-060040/A-51

2. 41-133-20048-0000

3. 102 000 000 denied

4. Energy Resource Corp

5. James Meadows #1 Permit #1948

6. Flat Creek

7. Overton TN

8. 11.6 million cubic feet

9. November 9, 1979

10. City of Livingston TN, East Tennessee Natural Gas

1. 80-06041/A-52

2. 41-133-20047-0000

3. 102 000 000 denied

4. Energy Resource Corp

5. D Dailey et al #1 Permit #1947

6. Flat Creek

7. Overton TN

8. 103.0 million cubic feet

9. November 9, 1979

10. City of Livingston TN, East Tennessee Natural Gas

1. 80-06042/A-53

2. 41-133-20046-0000

3. 102 000 000 denied

4. Energy Resource Corp

5. Carl Gilpatrick #1 Permit #1932

6. Flat Creek

7. Overton TN

8. 123.0 million cubic feet

9. November 9, 1979

10. City of Livingston TN, East Tennessee Natural Gas

1. 80-06043/A-54

2. 41-133-20053-0000

2. 41-129-10043-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. Plateau Prop #2A (Markham)
6. Frankfort Ne
7. Morgan TN
8. 10.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06065/A-30
2. 41-129-10042-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. Plateau Prop #2 (Markham)
6. Frankfort Ne
7. Morgan TN
8. 10.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06066/A-76
2. 41-129-10038-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. O Cole #1
6. Douglas Branch
7. Morgan TN
8. .1 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co Uniroyal
Inc Eaton Corp
1. 80-06067/A-78
2. 41-129-10039-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. J Bye #2
6. Douglas Branch
7. Morgan TN
8. .5 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co Uniroyal
Inc Eaton Corp
1. 80-06068/A-79
2. 41-129-20091-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. Plateau Prop #2 (Harrison)
6. Frankfort Ne
7. Morgan TN
8. 15.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06069/A-80
2. 41-129-20089-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. L Duncan #1
6. Douglas Branch
7. Morgan TN
8. 7.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co Uniroyal
Inc Eaton Corp
1. 80-06070/A-81
2. 41-129-10041-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. J D Mize #1
6. Frankfort NE
7. Morgan TN
8. 7.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06071/A-82
2. 41-129-10033-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. A Bigoness et al Unit #1
6. Douglas Branch
7. Morgan TN
8. 3.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co Uniroyal
Inc Eaton Corp
1. 80-06072/A-83
2. 41-129-00084-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. J Bye #1
6. Douglas Branch
7. Morgan TN
8. .5 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co Uniroyal
Inc Eaton Corp
1. 80-06073/A-84
2. 41-129-10034-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. S Luchin #1
6. Douglas Branch
7. Morgan TN
8. .5 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co Uniroyal
Inc Eaton Corp
1. 80-06074/A-85
2. 41-129-20104-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. M Branstetter #1
6. Douglas Branch
7. Morgan TN
8. 10.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co Uniroyal
Inc Eaton Corp
1. 80-06075/A-88
2. 41-129-20290-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. W W Ivey #1
6. Douglas Branch
7. Morgan TN
8. .5 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co Uniroyal
Inc Eaton Corp
1. 80-06076/A-89
2. 41-129-20131-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. Plateau Prop #3 (Harrison)
6. Frankfort NE
7. Morgan TN
8. 15.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06077/A-90
2. 41-129-20120-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. E Howard #1
6. Douglas Branch
7. Morgan TN
8. 16.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co Uniroyal
Inc Eaton Corp
1. 80-06078/A-91
2. 41-129-10035-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. S Luchin #2
6. Douglas Branch
7. Morgan TN
8. 3.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co Uniroyal
Inc Eaton Corp
1. 80-06079/A-93
2. 41-129-20190-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. E Scott #1
6. Douglas Branch
7. Morgan TN
8. 10.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co Uniroyal
Inc Eaton Corp
1. 80-06080/A-35-R1
2. 41-129-20314-0000
3. 108 000 000
4. Cumberland Oil Producing Co Inc
5. G Barnett #1
6. Douglas Branch
7. Morgan TN
8. 6.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06081/A-98-R1
2. 41-129-20344-0000
3. 103 000 000
4. Universal Land & Mineral Leasing Co
5. David Summer #2
6. Sunbright Gas Field
7. Morgan TN
8. 36.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp
1. 80-06082/A-100-R1
2. 41-129-20128-0000
3. 108 000 000
4. Universal Land & Mineral Leasing Co
5. William Summer #1
6. Sunbright Gas Field
7. Morgan TN
8. 20.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp
1. 80-06083/A-106-R1
2. 41-129-20258-0000
3. 108 000 000
4. Universal Land & Mineral Leasing Co
5. Stringfield #1
6. Sunbright Gas Field
7. Morgan County TN
8. 20.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp
1. 80-06084/A-109-R1
2. 41-129-20398-0000
3. 103 000 000
4. Universal Land & Mineral Leasing Co
5. David Summer #3
6. Sunbright
7. Morgan TN
8. 18.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp
1. 80-06085/A-111
2. 41-129-20007-0000
3. 108 000 000 Denied
4. Tartan Oil Company
5. Gus Young #1

6. Union Hill Southwest
7. Morgan TN
8. 3.6 million cubic feet
9. November 9, 1979
10. Citizens Gas Utility District
1. 80-06086/A-111-R1
2. 41-129-20007-0000
3. 108 000 000
4. Tartan Oil Company
5. Gus Young #1
6. Union Hill
7. Morgan TN
8. 4.0 million cubic feet
9. November 9, 1979
10. Citizens Gas Utility District
1. 80-06087/A-112
2. 41-129-20276-0000
3. 102 000 000
4. Tartan Oil Company
5. Conway Johnson #1-C Permit #1150
6. Little Clear Creek Northeast
7. Morgan TN
8. 18.0 million cubic feet
9. November 9, 1973
10.
1. 80-06088/A-113
2. 41-129-20330-0000
3. 102 000 000
4. Tartan Oil Company
5. Langfor-Hartin No. 1 Permit No. 1596
6. Sunbright
7. Morgan, TN
8. 20.0 million cubic feet
9. November 9, 1979
10.
1. 80-06089/A-114
2. 41-129-20369-0000
3. 102 000 000
4. Tartan Oil Company
5. Robt D. Parten et al Unit No. 1
6. Sunbright
7. Morgan, TN
8. 20.0 million cubic feet
9. November 9, 1979
10.
1. 80-06090/A-115
2. 41-129-20286-0000
3. 102 000 000
4. Tartan Oil Company
5. Conway Johnson No. 2-C Permit No. 1219
6. Little Clear Creek Northeast
7. Morgan, TN
8. 18.0 million cubic feet
9. November 9, 1979
10.
1. 80-06091/A-116
2. 41-049-20280-0000
3. 103 000 000
4. S. Thomas Burnett
5. Elbert W. Wilson No. 3
6. Big Branch (Dev.)
7. Fentress, TN
8. 8.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06092/A-117
2. 41-049-20267-0000
3. 103 000 000
4. S. Thomas Burnett
5. Elbert W. Wilson No. 2
6. Big Branch (Dev.)
7. Fentress, TN
8. 8.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06093/A-118
2. 41-049-20266-0000
3. 103 000 000
4. S. Thomas Burnett
5. Elbert W. Wilson No. 1
6. Big Branch (Dev.)
7. Fentress, TN
8. 8.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06094/A-119
2. 41-049-20200-0000
3. 102 000 000
4. S. Thomas Burnett
5. Gary Rodgers No. 1
6. Unnamed
7. Fentress, TN
8. 4.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co.
1. 80-06095/A-120
2. 41-049-20195-0000
3. 102 000 000
4. S. T. Burnett
5. Emery-Walker No. 1
6. Unnamed
7. Fentress, TN
8. 2.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co.
1. 80-06096/A-121
2. 41-049-20313-0000
3. 108 000 000
4. S. Thomas Burnett
5. Bowden Williams Unit No. 1
6. Big Branch (Dev.)
7. Fentress, TN
8. 2.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06097/A-122
2. 41-049-20203-0000
3. 108 000 000
4. S. Thomas Burnett
5. Gernt No. 2
6. Big Branch (Dev.)
7. Fentress, TN
8. 4.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06098/A-123
2. 41-049-20198-0000
3. 108 000 000
4. S. Thomas Burnett
5. Gernt No. 1
6. Big Branch (Dev.)
7. Fentress, TN
8. 4.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06099/A-124
2. 41-049-20193-0000
3. 108 000 000
4. S. Thomas Burnett
5. Cookeville Production Credit No. 2
6. Big Branch (Dev.)
7. Fentress, TN
8. 6.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06100/A-125
2. 41-049-20120-0000
3. 108 000 000
4. S. Thomas Burnett
5. Cookeville Production Credit No. 1
6. Big Branch (Dev.)
7. Fentress, TN
8. 3.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06101/A-126
2. 41-049-20118-0000
3. 108 000 000
4. S. Thomas Burnett
5. Arnold Colditz et al No. 2
6. Big Branch (Dev.)
7. Fentress, TN
8. 7.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06102/A-127
2. 41-049-20105-0000
3. 108 000 000
4. S. Thomas Burnett
5. Arnold Colditz No. 1
6. Big Branch (Dev.)
7. Fentress, TN
8. 7.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06103/A-128
2. 41-049-20218-0000
3. 108 000 000
4. S. Thomas Burnett
5. Guy Williams No. 5
6. Big Branch (Dev.)
7. Fentress, TN
8. 7.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06104/A-129
2. 41-049-20116-0000
3. 108 000 000
4. S. Thomas Burnett
5. Guy Williams No. 4
6. Big Branch (Dev.)
7. Fentress, TN
8. 7.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06105/A-130
2. 41-049-20101-0000
3. 108 000 000
4. S. Thomas Burnett
5. Guy Williams No. 2
6. Big Branch (Dev.)
7. Fentress, TN
8. 7.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee
Natural Gas Co.
1. 80-06106/A-131
2. 41-049-20100-0000
3. 108 000 000
4. S. Thomas Burnett
5. Guy Williams No. 1
6. Big Branch (Dev.)
7. Fentress, TN

8. 7.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee Natural Gas Co.
1. 80-06107/A-132
2. 41-049-20265-0000
3. 103 000 000
4. S. Thomas Burnett
5. Troy Conatser No. 8
6. Big Branch (Dev.)
7. Fentress, TN
8. 8.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee Natural Gas Co.
1. 80-06108/A-133
2. 41-049-20172-0000
3. 108 000 000
4. S. Thomas Burnett
5. Troy Conatser No. 7
6. Big Branch (Dev.)
7. Fentress, TN
8. 8.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee Natural Gas Co.
1. 80-06109/A-134
2. 41-049-20162-0000
3. 108 000 000
4. S. Thomas Burnett
5. Troy Conatser No. 5
6. Big Branch (Dev.)
7. Fentress, TN
8. 8.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee Natural Gas Co.
1. 80-06110/A-135
2. 41-049-20156-0000
3. 108 000 000
4. S. Thomas Burnett
5. Troy Conatser No. 4
6. Big Branch (Dev.)
7. Fentress, TN
8. 8.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee Natural Gas Co.
1. 80-06111/A-136
2. 41-049-20147-0000
3. 108 000 000
4. S. Thomas Burnett
5. Troy Conatser No. 3
6. Big Branch (Dev.)
7. Fentress, TN
8. 8.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee Natural Gas Co.
1. 80-06112/A-137
2. 41-049-20141-0000
3. 108 000 000
4. S. Thomas Burnett
5. Troy Conatser No. 2
6. Big Branch (Dev.)
7. Fentress, TN
8. 8.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee Natural Gas Co.
1. 80-06113/A-138
2. 41-049-20134-0000
3. 108 000 000
4. S. Thomas Burnett
5. Troy Conatser No. 1
6. Big Branch (Dev.)
7. Fentress, TN
8. 8.0 million cubic feet
9. November 9, 1979
10. City of Jamestown, TN. East Tennessee Natural Gas Co.
1. 80-06114/A-139
2. 41-049-20293-0000
3. 102 000 000
4. Dixie Oil Company
5. Bruno Gernt #3
6. Unnamed
7. Fentress TN
8. 36.5 million cubic feet
9. November 9, 1979
10.
1. 80-06115/A-140
2. 41-049-20291-0000
3. 102 000 000
4. Dixie Oil Company
5. Bruno Gernt #2
6. Unnamed Field
7. Fentress TN
8. 58.5 million cubic feet
9. November 9, 1979
10.
1. 80-06116/A-141
2. 41-049-20289-0000
3. 102 000 000
4. Dixie Oil Company
5. Bruno Gernt #1
6. Unnamed Field
7. Fentress TN
8. 134.8 million cubic feet
9. November 9, 1979
10.
1. 80-06117/A-142
2. 41-151-20353-0000
3. 102 000 000
4. Dixie Oil Company
5. Estel Bond et al #1
6. Unnamed Field
7. Scott TN
8. 1.8 million cubic feet
9. November 9, 1979
10.
1. 80-06118/A-143
2. 41-049-20233-0000
3. 102 000 000
4. Dixie Oil Company
5. Hardeman-Williams-Gernt #1
6. Unnamed Field
7. Fentress TN
8. 12.4 million cubic feet
9. November 9, 1979
10.
1. 80-06119/A-144
2. 41-129-20430-0000
3. 102 000 000
4. Dixie Oil Company
5. Hiwassee Land Company #6
6. Rugby
7. Morgan TN
8. 142.1 million cubic feet
9. November 9, 1979
10.
1. 80-06120/A-145
2. 41-129-20428-0000
3. 102 000 000
4. Dixie Oil Company
5. Hiwassee Land Company #5
6. Rugby
7. Morgan TN
8. 9.0 million cubic feet
9. November 9, 1979
10.
1. 80-06121/A-146
2. 41-129-20421-0000
3. 102 000 000
4. Dixie Oil Company
5. Hiwassee Land Company #3
6. Rugby
7. Morgan TN
8. 4 million cubic feet
9. November 9, 1979
10.
1. 80-06122/A-147
2. 41-129-20414-0000
3. 102 000 000
4. Dixie Oil Company
5. Hiwassee Land Company #2
6. Rugby
7. Morgan TN
8. 4 million cubic feet
9. November 9, 1979
10.
1. 80-06123/A-148
2. 41-151-20333-0000
3. 102 000 000
4. Dixie Oil Company
5. Sam Keener III #1
6. Unnamed Field
7. Scott TN
8. 4.5 million cubic feet
9. November 9, 1979
10.
1. 80-06124/A-149
2. 41-151-20119-0000
3. 102 000 000
4. Dixie Oil Company
5. Payne-Baker #1
6. Unnamed Field
7. Scott TN
8. 1.6 million cubic feet
9. November 9, 1979
10.
1. 80-06125/A-150
2. 41-151-20205-0000
3. 102 000 000
4. Dixie Oil Company
5. Young-Stevenson Unit #1
6. Glenmary
7. Scott TN
8. 1.3 million cubic feet
9. November 9, 1979
10.
1. 80-06126/A-151
2. 41-151-20320-0000
3. 102 000 000
4. Dixie Oil Company
5. Jimmie Young #2
6. Glenmary
7. Scott TN
8. 32.9 million cubic feet
9. November 9, 1979
10.
1. 80-06127/A-152
2. 41-151-20416-0000
3. 102 000 000
4. Dixie Oil Company
5. Brimstone #15
6. Low Gap-Reuben Hollow
7. Scott TN
8. 60.8 million cubic feet
9. November 9, 1979
10.
1. 80-06128/A-153
2. 41-151-20403-0000
3. 102 000 000

4. Dixie Oil Company
5. Brimstone #13
6. Low Gap-Reuben Hollow
7. Scott TN
8. 1.8 million cubic feet
9. November 9, 1979
10.
1. 80-06129/A-154
2. 41-151-20394-0000
3. 102 000 000
4. Dixie Oil Company
5. Brimstone Company #12
6. Low Gap-Reuben Hollow
7. Scott TN
8. 1.8 million cubic feet
9. November 9, 1979
10.
1. 80-06130/A-155
2. 41-151-20390-0000
3. 102 000 000
4. Dixie Oil Company
5. The Brimstone Company #11
6. Low Gap-Reuben Hollow
7. Scott TN
8. 3.6 million cubic feet
9. November 9, 1979
10.
1. 80-06131/A-156
2. 41-151-20389-0000
3. 102 000 000
4. Dixie Oil Company
5. Brimstone #10
6. Low Gap-Reuben Hollow
7. Scott TN
8. 13.5 million cubic feet
9. November 9, 1979
10.
1. 80-06132/A-157
2. 41-151-20373-0000
3. 102 000 000
4. Dixie Oil Company
5. Brimstone #9
6. Low Gap-Reuben Hollow
7. Scott TN
8. 9.0 million cubic feet
9. November 9, 1979
10.
1. 80-06133/A-158
2. 41-151-20382-0000
3. 102 000 000
4. Dixie Oil Company
5. Brimstone #2
6. Low Gap-Reuben Hollow
7. Scott TN
8. .0 million cubic feet
9. November 9, 1979
10.
1. 80-06134/A-159
2. 41-151-20364-0000
3. 102 000 000
4. Dixie Oil Company
5. Flora Bowling et al #1
6. Low Gap-Reuben Hollow
7. Scott TN
8. .4 million cubic feet
9. November 9, 1979
10.
1. 80-06135/A-160
2. 41-151-20215-0000
3. 102 000 000
4. Dixie Oil Company
5. Criscillis-Walker-Burress #1
6. Low Gap-Reuben Hollow
7. Scott TN
8. .8 million cubic feet
9. November 9, 1979
10.
1. 80-06136/A-161
2. 41-151-20343-0000
3. 102 000 000
4. Dixie Oil Company
5. Draughn-Honey Creek #1
6. Hurricane Ridge
7. Scott TN
8. 34.0 million cubic feet
9. November 9, 1979
10.
1. 80-06137/A-162
2. 41-151-20342-0000
3. 102 000 000
4. Dixie Oil Company
5. Lawrence Draughn #1
6. Hurricane Ridge
7. Scott TN
8. .0 million cubic feet
9. November 9, 1979
10.
1. 80-06138/A-164
2. 41-151-20364-0000
3. 102 000 000
4. Dixie Oil Company
5. J F Baker-Brimstone #1
6. Low Gap-Reuben Hollow
7. Scott TN
8. 26.7 million cubic feet
9. November 9, 1979
10.
1. 80-06139/A-165
2. 41-129-20432-0000
3. 102 000 000
4. Dixie Oil Company
5. Hiwassee et al #1
6. Rugby
7. Morgan TN
8. 1.4 million cubic feet
9. November 9, 1979
10.
1. 80-06140/A-166
2. 41-129-20425-0000
3. 102 000 000
4. Dixie Oil Company
5. Hiwassee Land Company #4
6. Rugby
7. Morgan TN
8. 47.0 million cubic feet
9. November 9, 1979
10.
1. 80-06141/A-167
2. 41-151-20335-0000
3. 102 000 000
4. Dixie Oil Company
5. Keener-Baker #1
6.
7. Scott TN
8. 32.4 million cubic feet
9. November 9, 1979
10.
1. 80-06142/A-168
2. 41-151-20303-0000
3. 102 000 000
4. Dixie Oil Company
5. Jane L Stevenson #1
6. Glenmary
7. Scott TN
8. 72.0 million cubic feet
9. November 9, 1979
10.
1. 80-06143/A-169
2. 41-129-20189-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. Lenore C Carter #1
6. Douglas Branch
7. Morgan TN
8. 5.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06144/A-170
2. 41-129-20080-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. Charley Cooper #1
6. Deer Lodge North
7. Morgan TN
8. 5.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06145/A-171
2. 41-129-20426-0000
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. Taylor Adkins #1
6. Glades East
7. Morgan TN
8. 70.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06146/A-172
2. 41-129-20074-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. Hiwassee Land Co #2
6. Frankfort NE
7. Morgan TN
8. 9.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06147/A-173
2. 41-129-20271-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. P L Branstetter #1
6. Douglas Branch
7. Morgan TN
8. 2.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06148/A-174
2. 41-129-20024-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. Hiwassee Land Co #1
6. Frankfort NE
7. Morgan TN
8. 4.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06149/A-175
2. 41-129-20302-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. Burke Adkins #1
6. Douglas Branch
7. Morgan TN
8. 4.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06150/A-176
2. 41-129-20412-0000
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. Phillips Heirs #1
6. Glades East
7. Morgan TN

8. 73.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06151/A-177
2. 41-129-20015-0000
3. 102 000 000 Denied
4. Cumberland Oil Producing Co Inc
5. Domino-Pelc #1
6. Douglas Branch
7. Morgan TN
8. 4.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06152/A-178
2. 41-129-20397-0000
3. 103 000 000
4. Universal Land & Mineral Leasing Co
5. Andes #1 Rex Andes Etal #1
6. Sunbright
7. Morgan TN
8. 20.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp
1. 80-06153/A-179
2. 41-129-20396-0000
3. 103 000 000
4. Universal Land and Mineral Leasing
5. W E Monday Estate #1
6. Sunbright Gas Field
7. Morgan TN
8. 18.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp
1. 80-06154/A-180
2. 41-129-20438-0000
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. S Luchin et al Unit #1
6. Douglas Branch
7. Morgan TN
8. 550.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06155/A-181
2. 41-129-20163-0000
3. 102 000 000 Denied
4. Petroleum Development Corporation
5. Burress-Stewart Unit #1—#1299
6. Low Gap-Reuben Hollow
7. Scott TN
8. 60.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp of TN
1. 80-06156/A-181-R1
2. 41-151-20163-0000
3. 102 000 000
4. Petroleum Development Corporation
5. Burress-Stewart Unit #1—#1299
6. Low Gap-Reuben Hollow
7. Scott TN
8. 60.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp of TN
1. 80-06157/A-182
2. 41-129-20354-0000
3. 102 000 000 Denied
4. Petroleum Development Corp
5. Branstetter-Branstetter #1
6. Douglas Branch
7. Morgan TN
8. 20.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06158/A-182-R1
2. 41-129-20354-0000
3. 102 000 000
4. Petroleum Development Corp
5. Branstetter-Branstetter #1
6. Douglas Branch
7. Morgan TN
8. 20.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06159/A-183
2. 41-129-20347-0000
3. 108 000 000 Denied
4. Petroleum Development Corp
5. Lindsey-Steele et al #1
6. Douglas Branch
7. Morgan TN
8. 20.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06160/A-184
2. 41-049-20187-0000
3. 102 000 000
4. Tennessee Drilling Company
5. Alex Stephens Heirs #1
6. Glenobey
7. Fentress TN
8. 3.7 million cubic feet
9. November 9, 1979
10.
1. 80-06161/A-185
2. 41-049-20210-0000
3. 102 000 000
4. Tennessee Drilling Company
5. Shelly V Bowden #1
6. Glenobey
7. Fentress TN
8. 36.5 million cubic feet
9. November 9, 1979
10.
1. 80-06162/A-188
2. 41-049-20185-0000
3. 102 000 000
4. Tennessee Drilling Company
5. John Choate Heirs #1
6. Glenobey
7. Fentress TN
8. 22.3 million cubic feet
9. November 9, 1979
10.
1. 80-06163/A-187
2. 41-049-20238-0000
3. 102 000 000
4. Tennessee Drilling Company
5. Everett Evans #2
6. Glenobey
7. Fentress TN
8. 41.1 million cubic feet
9. November 9, 1979
10.
1. 80-06164/A-188
2. 41-049-20190-0000
3. 102 000 000
4. Tennessee Drilling Company
5. Wilburn Tipton #1
6. Glenobey
7. Fentress TN
8. 34.5 million cubic feet
9. November 9, 1979
10.
1. 80-06165/A-189
2. 41-049-20174-0000
3. 102 000 000
4. Tennessee Drilling Company
5. Arthur Stephens #1
6. Glenobey
7. Fentress TN
8. 38.3 million cubic feet
9. November 9, 1979
10.
1. 80-06166/A-190
2. 41-049-20216-0000
3. 102 000 000
4. Tennessee Drilling Company
5. Danny Smith #1
6. Glenobey
7. Fentress TN
8. 42.0 million cubic feet
9. November 9, 1979
10.
1. 80-06167/A-191
2. 41-049-20180-0000
3. 102 000 000
4. Tennessee Drilling Company
5. Everett Evans #1
6. Glenobey
7. Fentress TN
8. 31.9 million cubic feet
9. November 9, 1979
10.
1. 80-06168/A-192
2. 41-049-20276-0000
3. 102 000 000
4. Tennessee Energy Corporation
5. Barna Youngs #1
6. Glenobey
7. Fentress TN
8. 14.4 million cubic feet
9. November 9, 1979
10.
1. 80-06169/A-193
2. 41-049-20273-0000
3. 102 000 000
4. Tennessee Energy Corporation
5. Payne Land Co #1
6.
7. Fentress TN
8. 29.9 million cubic feet
9. November 9, 1979
10.
1. 80-06170/A-194
2. 41-129-20062-0000
3. 108 000 000
4. Cumberland Oil Producing Co Inc
5. Louis Howard #1
6. Douglas Branch
7. Morgan TN
8. 5.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06171/A-195
2. 41-129-20419-0000
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. Plateau Properties #4
6. Douglas Branch
7. Morgan TN
8. 18.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06172/A-196
2. 41-151-20211-0000
3. 102 000 000
4. Tartan Oil Company
5. Onelda Wood Industries #1 Per #1384
6. Huntsville North
7. Scott TN
8. 4.0 million cubic feet
9. November 9, 1979
10.
1. 80-06173/A-197

2. 41-151-20229-0000
3. 102 000 000
4. Tartan Oil Company
5. Oneida Wood Industries #2-(Permit #1)
6. Huntsville North
7. Scott TN
8. 10.0 million cubic feet
9. November 9, 1979
- 10.
1. 80-06174/A-198
2. 41-049-20114-0000
3. 102 000 000 denied
4. S Thomas Burnett
5. Elbert Reed #1
6. Roslin South
7. Fentress TN
8. 11.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06175/A-202
2. 41-151-20224-0000
3. 102 000 000
4. Petroleum Development Corporation
5. Clayton Newport #6-#1408
6. Low Gap-Reuben Hollow
7. Scott TN
8. 146.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp of TN
1. 80-06176/A-203
2. 41-151-20208-0000
3. 102 000 000
4. Petroleum Development Corporation
5. Sexton-Newport Unit #1-#1379
6. Low Gap-Reuben Hollow
7. Scott TN
8. 146.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp of TN
1. 80-06177/A-204
2. 41-151-20304-0000
3. 102 000 000
4. Petroleum Development Corp
5. Mamie Pemberton #2-#1615
6. Low Gap-Reuben Hollow
7. Scott TN
8. 146.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp of TN
1. 80-06178/A-205
2. 41-151-20287-0000
3. 102 000 000
4. Petroleum Development Corp
5. Mamie Pemberton #1-#1570
6. Low Gap-Reuben Hollow
7. Scott TN
8. 146.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp of TN
1. 80-06179/A-206
2. 41-141-20334-0000
3. 102 000 000 denied
4. Petroleum Development Corp
5. Burress-Stewart Unit #3-#1734
6. Low Gap-Reuben Hollow
7. Scott TN
8. 146.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp of TN
1. 80-06180/A-207
2. 41-151-20173-0000
3. 102 000 000
4. Petroleum Development Corporation
5. Brimstone #3-#1311
6. Low Gap-Reuben Hollow
7. Scott TN
8. 146.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp of TN
1. 80-06181/A-208
2. 41-151-20129-0000
3. 102 000 000
4. Petroleum Development Corporation
5. Brimstone Company #1-#1237 amended
6. Low Gap-Reuben Hollow
7. Scott TN
8. 146.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp of TN
1. 80-06182/A-209
2. 41-151-20172-0000
3. 102 000 000
4. Petroleum Development Corporation
5. Arzo Carson #1-#1310
6. Low Gap-Reuben Hollow
7. Scott TN
8. 146.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Corp of TN
1. 80-06183/A-214
2. 41-133-20052-0000
3. 102 000 000
4. Energy Resource Corporation
5. Carl Gilpatrick #2 Permit #1978
6. Flat Creek
7. Overton TN
8. 30.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn East Tenn Natural Gas
1. 80-06184/A-216
2. 41-133-20051-0000
3. 102 000 000
4. Energy Resource Corporation
5. Wells Thomas #1 Permit #1967
6. Flat Creek
7. Overton TN
8. 22.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn East Tenn Natural Gas Co
1. 80-06185/A-217
2. 41-133-20048-0000
3. 102 000 000
4. Energy Resource Corporation
5. James Meadows #1 Permit #1948
6. Flat Creek
7. Overton TN
8. 116.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn East Tennessee Natural Gas
1. 80-06186/A-219
2. 41-133-20045-0000
3. 102 000 000
4. Energy Resource Corporation
5. Wesley Mansell & Edward Fleming Unit
6. Flat Creek
7. Overton TN
8. 110.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn East Tennessee Natural Gas
1. 80-06187/A-220
2. 41-133-20047-0000
3. 102 000 000
4. Energy Resource Corporation
5. D Dailey Etal Unit #1 Permit #1947
6. Flat Creek
7. Overton TN
8. 103.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn East Tenn Nat Gas
1. 80-06188/A-221
2. 41-133-20053-0000
3. 102 000 000
4. Energy Resource Corporation
5. Bob Upchurch #4 Permit #1981
6. Flat Creek
7. Overton TN
8. 149.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn East Tenn Natural Gas
1. 80-06189/A-222
2. 41-133-20049-0000
3. 102 000 000
4. Energy Resource Corporation
5. Bob Upchurch #3 Permit 1949
6. Flat Creek
7. Overton TN
8. 45.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn East Tenn Natural Gas
1. 80-06190/A-223
2. 41-133-20050-0000
3. 102 000 000
4. Energy Resource Corporation
5. BFN Vaughn Etal Unit #1
6. Flat Creek
7. Overton TN
8. 30.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn East Tenn Natural Gas
1. 80-06191/A-224
2. 41-133-20043-0000
3. 102 000 000
4. Energy Resource Corporation
5. Hubert Pigg #1 Permit #1865
6. Flat Creek
7. Overton TN
8. 45.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn East Tennessee Natural Gas
1. 80-06192/A-225
2. 41-133-20040-0000
3. 102 000 000
4. Energy Resource Corporation
5. Ed Fleming #1 Permit #1868
6. Flat Creek
7. Overton TN
8. 30.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn East Tenn Natural Gas
1. 80-06193/A-226
2. 41-133-20041-0000
3. 102 000 000
4. Energy Resource Corporation
5. W E Smith #4 Permit #1869
6. Flat Creek
7. Overton TN
8. 75.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn East Tenn Natural Gas
1. 80-06194/A-227
2. 41-133-20044-0000
3. 102 000 000
4. Energy Resource Corporation
5. Bob Upchurch #2 Permit #1899

6. Flat Creek
7. Overton TN
8. 45.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn
1. 80-06195/A-228
2. 41-133-20038-0000
3. 102 000 000
4. Energy Resource Corporation
5. Bob Upchurch #1 Permit #1842
6. Flat Creek
7. Overton TN
8. 44.0 million cubic feet
9. November 9, 1979
10. Stones River
1. 80-06198/A-229
2. 41-133-20042-0000
3. 102 000 000
4. Energy Resource Corporation
5. Ed Fleming #2 Permit #1884
6. Flat Creek
7. Overton TN
8. 162.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn
1. 80-06197/A-230
2. 41-133-20037-0000
3. 102 000 000
4. Energy Resource Corporation
5. W E Smith #3 Permit 1837
6. Flat Creek
7. Overton TN
8. 60.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn
1. 80-06198/A-231
2. 41-133-20031-0000
3. 102 000 000
4. Energy Resource Corporation
5. W E Smith #2 Permit #1747
6. Flat Creek
7. Overton TN
8. 75.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn
1. 80-06199/A-232
2. 41-133-20027-0000
3. 102 000 000
4. Energy Resource Corporation
5. W E Smith #1 Permit #1699
6. Flat Creek
7. Overton TN
8. 344.0 million cubic feet
9. November 9, 1979
10. City of Livingston Tenn
1. 80-06200/A-233
2. 41-121-20256-0000
3. 103 000 000
4. Maynard Hamby
5. George Babcock #1
6. Glenmark
7. Scott TN
8. 50.0 million cubic feet
9. November 9, 1979
10. Intrastate Energy Inc
1. 80-06201/A-234
2. 41-049-20236-0000
3. 102 000 000
4. Tennessee Drilling Company
5. Fred Mullinix #1 Permit #1796
6. Glenobey Field
7. Fentress TN
8. 10.0 million cubic feet
9. November 9, 1979
- 10.
1. 80-06202/A-235
2. 41-049-20234-0000-
3. 102 000 000
4. Tennessee Drilling Company
5. Will C Peavyhouse #1 Permit #1764
6. Glenobey Field
7. Fentress TN
8. 10.0 million cubic feet
9. November 9, 1979
- 10.
1. 80-06203/A-236
2. 41-049-20211-0000-
3. 102 000 000
4. Tennessee Drilling Company
5. Austin Choate #1 Permit #1663
6. Glenobey Field
7. Fentress TN
8. 10.0 million cubic feet
9. November 9, 1979
- 10.
1. 80-06204/A-237
2. 41-049-20254-0000-
3. 102 000 000
4. Tennessee Drilling Company
5. Edd L Smith #1 Permit #1941
6. Glenobey Field
7. Fentress TN
8. .0 million cubic feet
9. November 9, 1979
- 10.
1. 80-06205/A-238
2. 41-049-20246-0000-
3. 102 000 000
4. Tennessee Drilling Company
5. Frank Mullinix #1 Permit #1855
6. Glenobey Field
7. Fentress TN
8. 10.0 million cubic feet
9. November 9, 1979
- 10.
1. 80-06206/A-239
2. 41-151-20060-0000-
3. 108 000 000
4. Western Reserves Oil Company
5. Duncan West Unit No 2
6. Helenwood West
7. Scott TN
8. 3.2 million cubic feet
9. November 9, 1979
10. Citizens Gas Utility District
1. 80-06207/A-240
2. 41-151-20010-0000-
3. 108 000 000
4. Western Reserves Oil Company
5. George Ryan No 3
6. Helenwood West
7. Scott TN
8. 4.2 million cubic feet
9. November 9, 1979
10. Citizens Gas Utility District
1. 80-06208/A-241
2. 41-151-10152-0000-
3. 108 000 000
4. Western Reserves Oil Company
5. George Ryan No. 2
6. Helenwood West
7. Scott TN
8. 4.2 million cubic feet
9. November 9, 1979
10. Citizens Gas Utility District
1. 80-06209/A-242
2. 41-151-20245-0000-
3. 108 000 000
4. Western Reserves Oil Company
5. George Ryan No 5
6. Helenwood West
7. Scoot TN
8. 4.2 million cubic feet
9. November 9, 1979
10. Citizens Gas Utility District
1. 80-06210/A-243
2. 41-151-10151-0000-
3. 108 000 000
4. Western Reserves Oil Company
5. George Ryan No 1
6. Helenwood West
7. Scott TN
8. 3.9 million cubic feet
9. November 9, 1979
10. Citizens Gas Utility District
1. 80-06211/A-244
2. 41-049-20358-0000-
3. 103 000 000 Denied
4. S Thomas Burnett
5. Whitehead-Wilson Unit #1
6. Big Branch (Dev)
7. Fentress TN
8. 1.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas City of Jamestown TN
1. 80-06212/A-245
2. 41-049-20173-0000-
3. 103 000 000 Denied
4. S Thomas Burnett
5. William C Johnson #1
- 6.
7. Fentress TN
8. .0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co City of Jamestown TN
1. 80-06213/A-246
2. 41-049-20251-0000-
3. 103 000 000 Denied
4. S Thomas Burnett
5. William C Johnson #2
- 6.
7. Fentress TN
8. .0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co City of Jamestown TN
1. 80-06214/A-247
2. 41-049-00000-0000-
3. 103 000 000 Denied
4. S Thomas Burnett
5. Rupert Blair Gernt Unit 1
6. Big Branch
7. Fentress TN
8. .0 million cubic feet
9. November 9, 1979
10. City of Jamestown TN East Tennessee Natural Gas Co
1. 80-06215/A-248
2. 41-049-00000-0000-
3. 103 000 000 Denied
4. S Thomas Burnett
5. Rupert Blair-Petetinck-Conrad Blair
6. Big Branch
7. Fentress TN
8. .0 million cubic feet
9. November 9, 1979
10. City of Jamestown TN East Tennessee Natural Gas Co
1. 80-06216/A-249
2. 41-049-00000-0000-
3. 103 000 000 Denied
4. S Thomas Burnett
5. Conrad Blair-Ova Blair Unit #1

6. Big Branch
7. Fentress TN
8. .0 million cubic feet
9. November 9, 1979
10. City of Jamestown TN East Tennessee Natural Gas Co
1. 80-06217/A-250
2. 41-129-20479-0000-
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. McGill Et Al #1
6. Glades East
7. Morgan TN
8. 20.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06218/A-251
2. 41-129-20463-0000-
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. Dr Bruce R McCampbell #1
6. Glades East
7. Morgan TN
8. 20.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06219/A-252
2. 41-129-20480-0000-
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. Roy Duncan-V Needham Unit #1
6. Glades East
7. Morgan TN
8. 20.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06220/A-253
2. 41-151-20148-0000-
3. 102 000 000 Denied
4. Dixie Oil Company
5. Brimstone #3
6. Low Gap-Reuben Hollow
7. Scott TN
8. .0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06221/A-254
2. 41-129-20489-0000-
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. Bigoness-Cera #2
6. Douglas Branch
7. Morgan TN
8. 40.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06222/A-255
2. 41-129-20494-0000-
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. R Taylor #1
6. Douglas Branch
7. Morgan TN
8. 40.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06223/A-256
2. 41-129-20472-0000-
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. Dobies-Susak-Peltz Unit #1
6. Douglas Branch
7. Morgan TN
8. 40.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06224/A-257
2. 41-129-20449-0000-
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. A Branstetter Et Al Unit #1
6. Douglas Branch
7. Morgan TN
8. 40.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06225/A-258
2. 41-129-20442-0000-
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. E Olmstead & A Overton #1
6. Douglas Branch
7. Morgan TN
8. 40.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06226/A-259
2. 41-129-20490-0000-
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. J Adkins #4
6. Douglas Branch
7. Morgan TN
8. 40.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06227/A-260
2. 41-129-20493-0000-
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. C Hopper #1
6. Douglas Branch
7. Morgan TN
8. 40.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06228/A-261
2. 41-129-20495-0000-
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. J Orr #1
6. Douglas Branch
7. Morgan TN
8. 40.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06229/A-262
2. 41-049-20142-0000-
3. 102 000 000
4. Red Feather Gas & Oil Inc
5. Carson Hull #B-4
6. Shirley
7. Fentress TN
8. 365.0 million cubic feet
9. November 9, 1979
10. East Tennessee Natural Gas Co
1. 80-06230/A-263
2. 41-049-20135-0000
3. 102 000 000
4. Red Feather Gas & Oil Inc.
5. Carson Hull No. B-3
6. Shirley
7. Fentress, TN
8. 365.0 million cubic feet
9. November 9, 1979
10.
1. 80-06231/A-264
2. 41-049-20037-0000
3. 102 000 000
4. Red Feather Gas & Oil, Inc.
5. Carson Hull No. B-1
6. Shirley
7. Fentress, TN
8. 365.0 million cubic feet
9. November 9, 1979
10.
1. 80-06232/A-265
2. 41-049-20046-0000
3. 102 000 000
4. Red Feather Gas & Oil, Inc.
5. Carson Hull No. B-2
6. Shirley
7. Fentress, TN
8. 365.0 million cubic feet
9. November 9, 1979
10.
1. 80-06233/A-266
2. 41-151-10204-0000
3. 108 000 000
4. Petroleum Operating Co., Inc.
5. J. C. Yancy No. 1
6. Huntsville
7. Scott, TN
8. .5 million cubic feet
9. November 9, 1979
10. Citizens Gas Utility District
1. 80-06234/A-267
2. 41-125-20353-0000
3. 102 000 000
4. Deloy Miller
5. Branstetter Bowmar Kennedy No. 1
6. Sunbright
7. Morgan, TN
8. 73.0 million cubic feet
9. November 9, 1979
10.
1. 80-06235/A-268
2. 41-185-20028-0000
3. 102 000 000
4. James E. McKee
5. Riverbend Farms Inc., No. 1
6. Sparta
7. White, TN
8. 18.3 million cubic feet
9. November 9, 1979
10. Middle Tenn. Nat. Gas Util. Dist.
1. 80-06236/A-269
2. 41-185-20027-0000
3. 102 000 000
4. James E. McKee
5. Riverbend Farms Inc. No. 2
6. Sparta
7. White, TN
8. 18.3 million cubic feet
9. November 9, 1979
10. Middle Tenn. Nat. Gas Utility District
1. 80-06237/A-270
2. 41-185-20033-0000
3. 102 000 000
4. James E. McKee
5. Riverbend Farms Inc., No 4
6. Sparta
7. White, TN
8. 18.3 million cubic feet
9. November 9, 1979
10. Middle Tenn. Natural Gas Utility District
1. 80-06238/A-271
2. 41-151-20264-0000
3. 102 000 000
4. Petroleum Development Corporation
5. Jasper & James West No. 4—No. 1498
6. Low Gap—Reuben Hollow
7. Scott, TN
8. 3.0 million cubic feet

9. November 9, 1979
 10. Intrastate Energy Corp. of TN
 1. 80-06239/A-272
 2. 41-151-20246-0000
 3. 102 000 000
 4. Petroleum Development Corporation
 5. Jasper & James West No. 3—No. 1467
 6. Low Gap—Reuben Hollow
 7. Scott, TN
 8. 5.0 million cubic feet
 9. November 9, 1979
 10. Intrastate Energy Corp. of TN
 1. 80-06240/A-273
 2. 41-151-20286-0000
 3. 102 000 000
 4. Petroleum Development Corporation
 5. West-Newport No. 4 No. 1567
 6. Low Gap—Reuben Hollow
 7. Scott, TN
 8. 5.0 million cubic feet
 9. November 9, 1979
 10. Intrastate Energy Corp. of Tenn
 1. 80-06241/A-274
 2. 41-151-20340-0000
 3. 102 000 000
 4. Petroleum Development Corporation
 5. West-Newport Unit No. 5 No. 1763
 6. Low Gap—Reuben Hollow
 7. Scott, TN
 8. 5.0 million cubic feet
 9. November 9, 1979
 10. Intrastate Energy Corp. of TN
 1. 80-06242/A-275
 2. 41-151-20190-0000
 3. 102 000 000
 4. Petroleum Development Corporation
 5. West-Newport No. 1—No. 1339
 6. Low Gap—Reuben Hollow
 7. Scott, TN
 8. 5.0 million cubic feet
 9. November 9, 1979
 10. Intrastate Energy Corp. of TN
 1. 80-06243/A-276
 2. 41-151-20191-0000
 3. 102 000 000
 4. Petroleum Development Corporation
 5. West-Newport Unit No. 2 No. 1340
 6. Low Gap—Reuben Hollow
 7. Scott, TN
 8. 10.0 million cubic feet
 9. November 9, 1979
 10. Intrastate Energy Corp. of TN
 1. 80-06244/A-277
 2. 41-151-20149-0000
 3. 102 000 000
 4. Petroleum Development Corporation
 5. Jasper & James West No. 1—No. 1277
 6. Low Gap—Reuben Hollow
 7. Scott, TN
 8. 3.0 million cubic feet
 9. November 9, 1979
 10. Intrastate Energy Corp. of TN
 1. 80-06342/A-163
 2. 41-049-20252-0000
 3. 102 000 000
 4. Dixie Oil Company
 5. Lloyd Tompkins et al No. 1
 6. Hurricane Ridge
 7. Fentress, TN
 8. 41.6 million cubic feet
 9. November 9, 1979
 10.
 1. 80-06343/A-215
 2. 41-133-20055-0000
3. 102 000 000
 4. Energy Resource Corporation
 5. Nell Ogletree No. 1 Permit No. 2028
 6. Flat Creek
 7. Overton, TN
 8. 30.0 million cubic feet
 9. November 9, 1979
 10. East Tennessee Natural Gas City of Livingston, TN
 1. 80-06344/A-218
 2. 41-133-20046-0000
 3. 102 000 000
 4. Energy Resource Corporation
 5. Carl Gilpatrick No. 1 Permit No. 1932
 6. Flat Creek
 7. Overton, TN
 8. 123.0 million cubic feet
 9. November 9, 1979
 10. East Tennessee Natural Gas City of Livingston, TN
- West Virginia Department of Mines, Oil and Gas Division
 1. Control Number (F.E.R.C./State)
 2. API Well Number
 3. Section of NGPA
 4. Operator
 5. Well Name
 6. Field or OCS Area Name
 7. County, State or Block No.
 8. Estimated Annual Volume
 9. Date Received at FERC
 10. Purchaser(s)
 1. 80-08255
 2. 47-005-00842-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Lenning Estate 2-315
 6.
 7. Boone, WV
 8. .2 million cubic feet
 9. November 10, 1979
 10. Houdaille Industries Inc., Huntington Alloys Inc., Libbey-Owens-Ford Co., Owens-Illinois, Inc.
 1. 80-08258
 2. 47-005-00847-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Peytona Coal Co., 18-323
 6.
 7. Boone, WV
 8. 4.8 million cubic feet
 9. November 10, 1979
 10. Houdaille Industries Inc., Huntington Alloys Inc., Libbey-Owens-Ford Co., Owens-Illinois, Inc.
 1. 80-08257
 2. 47-005-00924-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Cassingham 13-255
 6.
 7. Boone, WV
 8. 2.3 million cubic feet
 9. November 10, 1979
 10. Houdaille Industries Inc., Huntington Alloys Inc., Libbey-Owens-Ford Co., Owens-Illinois, Inc.
 1. 80-08258
 2. 47-005-01009-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Little Coal Ld Co. 88-308
 6.
7. Boone, WV
 8. 10.7 million cubic feet
 9. November 10, 1979
 10. Houdaille Industries Inc., Huntington Alloys Inc., Libbey-Owens-Ford Co., Owens-Illinois, Inc.
 1. 80-08259
 2. 47-005-01096-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. U S G Anderson 3-287
 6.
 7. Boone, WV
 8. 9.8 million cubic feet
 9. November 10, 1979
 10. Houdaille Industries Inc., Huntington Alloys Inc., Libbey-Owens-Ford Co., Owens-Illinois, Inc.
 1. 80-08260
 2. 47-005-00744-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Little Coal Ld Co. B5-264
 6.
 7. Boone, WV
 8. 3.2 million cubic feet
 9. November 10, 1979
 10. Houdaille Industries Inc., Huntington Alloys Inc., Libbey-Owens-Ford Co., Owens-Illinois, Inc.
 1. 80-08261
 2. 47-005-00821-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Bedford Et al 7-197
 6.
 7. Boone, WV
 8. 6.5 million cubic feet
 9. November 10, 1979
 10. Houdaille Industries Inc., Huntington Alloys Inc., Libbey-Owens-Ford Co., Owens-Illinois, Inc.
 1. 80-08262
 2. 47-005-00391-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Allen & Pryor 24-490
 6.
 7. Boone WV
 8. 2.3 million cubic feet
 9. November 10, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
 1. 80-08263
 2. 47-005-00392-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. W S Hatfield 5-491
 6.
 7. Boone WV
 8. 2.3 million cubic feet
 9. November 10, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
 1. 80-08264
 2. 47-005-00393-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Little Coal Ld Co B20-492
 6.
 7. Boone WV
 8. 2.8 million cubic feet
 9. November 10, 1979

10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06265
2. 47-005-00395-0000
3. 108 000 000
4. Industrial Gas Corporation
5. J G Roberts 5-496
6.
7. Boone WV
8. 3.0 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06266
2. 47-005-00397-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Peytona Coal Co 33-497
6.
7. Boone WV
8. 16.3 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06267
2. 47-005-00398-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 29-498
6.
7. Boone WV
8. 1.4 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06268
2. 47-043-01264-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Glayds Johnson 1-993
6.
7. Lincoln WV
8. 12.7 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06269
2. 47-043-01376-0000
3. 108 000 000
4. Industrial Gas Corporation
5. F F Starcher 8-928
6.
7. Lincoln WV
8. 5.3 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06270
2. 47-045-00490-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Island Creek Mining 16-927
6.
7. Logan WV
8. 13.4 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06271
2. 47-045-00509-0000
3. 108 000 000
4. Industrial Gas Corporation
5. T H Harvey 4-954
6.
7. Logan WV
8. 8.9 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06272
2. 47-043-01183-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Elwood Runyan 3-964
6.
7. Lincoln WV
8. 12.5 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06273
2. 47-043-01184-0000
3. 108 000 000
4. Industrial Gas Corporation
5. N. Gilchrist 1-969
6.
7. Lincoln WV
8. 4.8 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06274
2. 47-043-01185-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Macel Pauley 1-957
6.
7. Lincoln WV
8. 3.1 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06275
2. 47-043-01186-0000
3. 108 000 000
4. Industrial Gas Corporation
5. R L Mallory 1-956
6.
7. Lincoln WV
8. 1.8 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06276
2. 47-043-01196-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Koontz Realty Co 27-946
6.
7. Lincoln WV
8. 5.7 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06277
2. 47-043-01197-0000
3. 108 000 000
4. Industrial Gas Corporation
5. T H Harvey 3-953
6.
7. Lincoln WV
8. 6.0 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06278
2. 47-043-01200-0000
3. 108 000 000
4. Industrial Gas Corporation
5. T H Harvey 5-975
6.
7. Lincoln WV
8. 9.4 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06279
2. 47-043-01227-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cambridge Gas Co 2-973
6.
7. Lincoln WV
8. .9 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06280
2. 47-043-01246-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hill-Hoy-Thompson 1-995
6.
7. Lincoln WV
8. 18.6 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06281
2. 47-005-00377-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 22-480
6.
7. Boone WV
8. 1.0 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06282
2. 47-005-00384-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Jacobs Chambers 1-482
6.
7. Boone WV
8. 2.4 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06283
2. 47-005-00385-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B19-483
6.

7. Boone WV
8. 3.5 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06284
2. 47-005-00386-0000
3. 108 000 000
4. Industrial Gas Corporation
5. W S Hatfield 4-484
6.
7. Boone WV
8. 1.7 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06285
2. 47-005-00389-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 28-487
6.
7. Boone WV
8. 4.0 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06286
2. 47-005-01114-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 1-157
6.
7. Boone WV
8. 2.3 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06287
2. 47-005-01115-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 2-160
6.
7. Boone WV
8. .7 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06288
2. 47-005-01117-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 5-176
6.
7. Boone WV
8. 1.9 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06289
2. 47-005-01119-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Brown-Cochran 6-320
6.
7. Boone WV
8. 5.5 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06290
2. 47-005-01120-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cora Barker 1-385
6.
7. Boone WV
8. 2.3 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06291
2. 47-005-01121-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Bedford 11-236
6.
7. Boone WV
8. 1.8 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06292
2. 47-005-00364-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Peytona Coal Co 30-470
6.
7. Boone WV
8. 14.3 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06293
2. 47-005-00360-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B17-467
6.
7. Boone WV
8. 3.1 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06294
2. 47-005-01107-0000
3. 108 000 000
4. Industrial Gas Corporation
5. W W Allen 2-215
6.
7. Boone WV
8. 1.5 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06295
2. 47-005-01108-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen-Pryor 1-43
6.
7. Boone WV
8. 2.8 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06296
2. 47-005-01111-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 18-372
6.
7. Boone WV
8. 2.0 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06297
2. 47-005-01109-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen-Pryor 13-343
6.
7. Boone WV
8. 2.0 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06298
2. 47-005-01112-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marshall Brown 1-273
6.
7. Boone WV
8. 2.8 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06299
2. 47-005-01113-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marshall Brown 2-309
6.
7. Boone WV
8. 2.4 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06300
2. 47-005-01097-0000
3. 108 000 000
4. Industrial Gas Corporation
5. H C Ballard 2-289
6.
7. Boone WV
8. 1.8 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06301
2. 47-005-01098-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 6-151
6.
7. Boone WV
8. 2.4 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc, Huntingdon
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-06302
2. 47-005-01100-0000
3. 108 000 000

4. Industrial Gas Corporation
5. Allen & Pryor 11-212
- 6.
7. Boone WV
8. 4.6 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc Huntingdon
Alloys Inc Libbey-Owens-Ford Co Owens-
Illinois Inc
1. 80-06303
2. 47-005-01101-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 12-268
- 6.
7. Boone WV
8. 6.6 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc Huntingdon
Alloys Inc Libbey-Owens-Ford Co Owens-
Illinois Inc
1. 80-06304
2. 47-005-01104-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 15-348
- 6.
7. Boone WV
8. 2.3 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc Huntingdon
Alloys Inc Libbey-Owens-Ford Co Owens-
Illinois Inc
1. 80-06305
2. 47-005-00372-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Peytona Coal Co 32-475
- 6.
7. Boone WV
8. 3.7 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc Huntingdon
Alloys Inc Libbey-Owens-Ford Co Owens-
Illinois Inc
1. 80-06306
2. 47-005-00373-0000
3. 108 000 000
4. Industrial Gas Corporation
5. E C Stollings 1-477
- 6.
7. Boone WV
8. 2.0 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc Huntingdon
Alloys Inc Libbey-Owens-Ford Co Owens-
Illinois Inc
1. 80-06307
2. 47-005-00376-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co. B18-479
- 6.
7. Boone WV
8. 1.8 million cubic feet
9. November 10, 1979
10. Houdaille Industries Inc Huntingdon
Alloys Inc Libbey-Owens-Ford Co Owens-
Illinois Inc

U.S. Geological Survey, Albuquerque, N.
Mex.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA

4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)
1. 80-06026/NM2693-79
2. 30-045-00000-0000-0
3. 108 000 000
4. Husky Oil Company
5. Alice Bolack #5
6. West Kutz Pictured Cliffs
7. San Juan
8. 4.7 million cubic feet
9. November 9, 1979
10. El Paso Natural Gas Company
1. 80-06326/NM-3678-79
2. 30-025-25782-0000-0
3. 103 000 000
4. Amoco Production Company
5. Nellis Federal No. 2
6. Buffalo Penn Morrow
7. Lea, NM
8. 1434.0 million cubic feet
9. November 13, 1979
10. Gas Company of New Mexico
1. 80-06340/NM-3852-79
2. 30-025-26088-0000-0
3. 103 000 000
4. Penroc Oil Corporation
5. CSO-Federal No. 1
6. South Eunice Seven Rivers-Queen
7. Lea, NM
8. 6.0 million cubic feet
9. November 9, 1979
10. Phillips Petroleum Co

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

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before January 4, 1980.

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

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-39019 Filed 12-19-79; 8:45 am]
BILLING CODE 6450-01-M

[Dockets Nos. EL79-26 and ER79-600]

Central Power & Light Co; Order Granting Rehearing for Further Consideration

Issued: December 10, 1979.

An application for rehearing of the Commission's October 12, 1979 declaratory order has been filed by the

Public Utilities Board of the City of Brownsville, Texas ("Brownsville"). In the October 12, 1979 order, the Commission granted Central Power & Light Company's (CPL) petition for a declaratory order, finding that the Commission's acceptance of a firm power contract between CPL and Brownsville constituted an acceptance of the demand charge escalation clause contained in the contract as the "filed rate."

In order to afford additional time for consideration of the issues raised in the application for rehearing, it is appropriate and proper in the administration of the Federal Power Act and in the public interest to grant rehearing of this declaratory order for the limited purpose of further consideration.

The Commission orders: (A) Rehearing of the declaratory order issued October 12, 1979, is hereby granted for the limited purpose of further consideration.

(B) As provided in Section 1.34(d) of the Commission's Rules of Practice and Procedure, no answers to the applications for rehearing will be entertained by the Commission, since this order does not grant rehearing upon any substantive issues.

(C) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-39020 Filed 12-19-79; 8:45 am]
BILLING CODE 6450-01-M

[No. 110]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

November 5, 1979.

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

Kansas Corporation Commission

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

1. 80-03568/K-79-0285

2. 15-075-00000-0000
 3. 108-000-000
 4. Ladd Petroleum Corporation
 5. HCU 1631-No. 1
 6. Bradshaw
 7. Hamilton KS
 8. 8.0 million cubic feet
 9. October 24, 1979
 10. Kansas-Nebraska Natural Gas Co.
 1. 80-03569/K-79-0286
 2. 15-075-00000-0000
 3. 108-000-000
 4. Ladd Petroleum Corporation
 5. HCU 3431 No. 1
 6. Bradshaw
 7. Hamilton KS
 8. 5.0 million cubic feet
 9. October 24, 1979
 10. Kansas-Nebraska Natural Gas Co.
 1. 80-03570/K-79-0287
 2. 15-075-00000-0000
 3. 108-000-000
 4. Ladd Petroleum Corporation
 5. HCU 2331 No. 1
 6. Bradshaw
 7. Hamilton KS
 8. 6.0 million cubic feet
 9. October 24, 1979
 10. Kansas-Nebraska Natural Gas Co.
 1. 80-03571/K-79-0288
 2. 15-075-00000-0000
 3. 108-000-000
 4. Ladd Petroleum Corporation
 5. HCU 1731
 6. Bradshaw
 7. Hamilton KS
 8. 15.0 million cubic feet
 9. October 24, 1979
 10. Kansas-Nebraska Natural Gas Co.
 1. 80-03572/K-79-0289
 2. 15-075-00000-0000
 3. 108-000-000
 4. Ladd Petroleum Corporation
 5. HCU 3231 No. 1
 6. Bradshaw
 7. Hamilton KS
 8. 4.0 million cubic feet
 9. October 24, 1979
 10. Kansas-Nebraska Natural Gas Co.
 1. 80-03573/K-79-0497
 2. 15-093-20489-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Ellis No. 1-A
 6. Panama
 7. Kearny KS
 8. 100.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03574/K-79-0498
 2. 15-093-20573-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Downs No. 1
 6. Hugoton
 7. Kearny KS
 8. 30.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03575/K-79-0499
 2. 15-093-20488-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Joe Goering No. 1-A
 6. Panama

7. Kearny KS
 8. 40.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03576/K-79-0500
 2. 15-093-20428-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Goering No. 1 (1-A)
 6. Panama
 7. Kearny KS
 8. 100.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03577/K-79-0465
 2. 15-093-20550-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Jacob No. 1-A
 6. Panama
 7. Kearny KS
 8. 30.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03578/K-79-0466
 2. 15-093-20496-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Meeker No. 1-A
 6. Panama
 7. Kearny KS
 8. 25.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03579/K-79-0467
 2. 15-093-20579-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Foster No. 1-A
 6. Panama
 7. Kearny KS
 8. 30.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03580/K-79-0468
 2. 15-093-20577-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Pearl No. 1-A
 6. Panama
 7. Kearny KS
 8. 30.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03581/K-79-0469
 2. 15-093-20485-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Ernie No. 1-A
 6. Panama
 7. Kearny KS
 8. 35.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03582/K-79-0470
 2. 15-093-20558-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Rooney No. 1-A
 6. Panama
 7. Kearny KS
 8. 60.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03583/K-79-0471

2. 15-093-20574-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Olga No. 1-A
 6. Panama
 7. Kearny KS
 8. 100.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03584/K-79-0472
 2. 15-093-20460-0000
 3. 103-000-000
 4. W. B. Osborn Jr
 5. Swank No. 1-A
 6. Panama
 7. Kearny KS
 8. 40.0 million cubic feet
 9. October 24, 1979
 10. Colorado Interstate Gas Co.
 1. 80-03585/K-79-0473
 2. 15-093-20562-0000
 3. 103-000-000
 4. W. B. Osborn Jr
 5. Romano No. 2-A
 6. Panama
 7. Kearny KS
 8. 75.0 million cubic feet
 9. October 24, 1979
 10. Colorado Interstate Gas Co.
 1. 80-03586/K-79-0474
 2. 15-093-20425-0000
 3. 103-000-000
 4. W. B. Osborn Jr
 5. Romano No. 1 (1-A)
 6. Panama
 7. Kearny KS
 8. 100.0 million cubic feet
 9. October 24, 1979
 10. Colorado Interstate Gas Co.
 1. 80-03587/K-79-0488
 2. 15-093-20487-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. David No. 1-A
 6. Panama
 7. Kearny KS
 8. 75.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03588/K-79-0489
 2. 15-093-20451-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Dale No. 1-A
 6. Panama
 7. Kearny KS
 8. 75.0 million cubic feet
 9. October 24, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03589/K-79-0490
 2. 15-093-20396-0000
 3. 103-000-000
 4. W. B. Osborn Jr
 5. Bowlus No. 1 (1-A)
 6. Panama
 7. Kearny KS
 8. 35.0 million cubic feet
 9. October 24, 1979
 10. Colorado Interstate Gas Co.
 1. 80-03590/K-79-0491
 2. 15-093-20580-0000
 3. 102-000-000
 4. W. B. Osborn Jr
 5. Blake No. 1-A
 6. Panama

7. Kearny KS
8. 35.0 million cubic feet
9. October 24, 1979
10. Panhandle Eastern Pipeline
1. 80-03591/K-79-0492
2. 15-093-20554-0000
3. 103-000-000
4. W. B. Osborn Jr
5. Beymer No. 1-A
6. Panoma
7. Kearny KS
8. 40.0 million cubic feet
9. October 24, 1979
10. Colorado Interstate Gas Co.
1. 80-03592/K-79-0493
2. 15-093-20452-0000
3. 103-000-000
4. W. B. Osborn Jr
5. Bates No. 1-A
6. Panoma
7. Kearny KS
8. 75.0 million cubic feet
9. October 24, 1979
10. Panhandle Eastern Pipeline
1. 80-03593/K-79-0494
2. 15-093-20450-0000
3. 103 000 000
4. W B Osborn Jr
5. Anderson No 1-A
6. Panoma
7. Kearny KS
8. 35.0 million cubic feet
9. October 24, 1979
10. Panhandle Eastern Pipeline
1. 80-03594/K-79-0495
2. 15-093-20601-0000
3. 102 000 000
4. W B Osborn Jr
5. Amy No 1-A
6. Panoma
7. Kearny KS
8. 40.0 million cubic feet
9. October 24, 1979
10. Panhandle Eastern Pipeline Co
1. 80-03595/K-79-0496
2. 15-093-20560-0000
3. 103 000 000
4. W B Osborn Jr
5. Duval No 2
6. Hugoton
7. Kearny KS
8. 45.0 million cubic feet
9. October 24, 1979
10. Peoples Natural Gas Co
1. 80-03596/K-79-0342
2. 15-189-20352-0000
3. 102 000 000
4. Anadarko Production Company
5. Roberts A No 1
6. Gentzler
7. Stevens KS
8. 70.0 million cubic feet
9. October 24, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03597/K-79-0343
2. 15-189-20401-0000
3. 102 000 000
4. Anadarko Production Company
5. Troup B No 2
6. Gentzler
7. Stevens KS
8. 215.0 million cubic feet
9. October 24, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03598/K-79-0344
2. 15-189-20337-0000
3. 102 000 000
4. Anadarko Production Company
5. Gaskill A No 2
6. Gentzler
7. Stevens KS
8. 541.0 million cubic feet
9. October 24, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03599/K-79-0345
2. 15-129-20302-0000
3. 103 000 000
4. Anadarko Production Company
5. Moore D No 1
6. Santa Fe
7. Morton KS
8. 54.0 million cubic feet
9. October 24, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03600/K-79-0346
2. 15-129-20324-0000
3. 103 000 000
4. Anadarko Production Company
5. Carpenter A No 1
6. Panoma-Council Grove
7. Morton KS
8. 73.0 million cubic feet
9. October 24, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03601/K-79-0347
2. 15-129-20306-0000
3. 103 000 000
4. Anadarko Production Company
5. Hayward I No 1
6. Panoma-Council Grove
7. Morton KS
8. 97.0 million cubic feet
9. October 24, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03602/K-79-0348
2. 15-189-20413-0000
3. 102 000 000
4. Anadarko Production Company
5. Youngren E No 2
6. Gentzler
7. Stevens KS
8. 165.0 million cubic feet
9. October 24, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03603/K-79-0349
2. 15-189-00000-0000
3. 108 000 000
4. Anadarko Production Company
5. Davies D No 1
6. Arkalon
7. Stevens KS
8. 9.0 million cubic feet
9. October 24, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03652/K-79-0329
2. 15-059-20345-0000
3. 108 000 000
4. Glacier Petroleum Co
5. Hook No 1
6. Pomona
7. Franklin KS
8. 9.1 million cubic feet
9. October 25, 1979
10. Cities Service Gas Co Franklin Pipeline Co
1. 80-03653/K-79-0330
2. 15-059-20346-0000
3. 108 000 000
4. Glacier Petroleum Co Inc
5. Bethel No 2
6. Pomona
7. Franklin KS
8. 16.7 million cubic feet
9. October 25, 1979
10. Cities Service Gas Co Franklin Pipeline Co
1. 80-03654/K-79-0332
2. 15-129-24324-0000
3. 103 000 000
4. Anadarko Production Company
5. Crawley A No 1
6. Panoma-Council Grove
7. Morton KS
8. 75.0 million cubic feet
9. October 24, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03655/K-79-0333
2. 15-175-00000-0000
3. 108 000 000
4. Anadarko Production Company
5. Printz A No 1
6. Hugoton
7. Seward KS
8. 8.4 million cubic feet
9. October 24, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03656/K-79-0334
2. 15-175-00000-0000
3. 108 000 000
4. Anadarko Production Company
5. Swan A No 1
6. Evalyn
7. Seward KS
8. 9.0 million cubic feet
9. October 24, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03657/K-79-0335
2. 15-119-00000-0000
3. 108 000 000
4. Anadarko Production Company
5. Fox C No 1
6. Novinger
7. Meade KS
8. .0 million cubic feet
9. October 25, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03658/K-79-0336
2. 15-175-00000-0000
3. 108 000 000
4. Anadarko Production Company
5. Printz B No 1
6. Hugoton
7. Seward KS
8. 16.0 million cubic feet
9. October 25, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03659/K-79-0337
2. 15-175-00000-0000
3. 108 000 000
4. Anadarko Production Company
5. Salley B No 1
6. Evalyn
7. Seward KS
8. 6.0 million cubic feet
9. October 25, 1979
10. Cimarron-Quinque a Div of APC
1. 80-03660/K-79-0525
2. 15-093-20421-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Campbell, 13-2
6. Panoma Council Grove
7. Kearny KS
8. 69.0 million cubic feet
9. October 25, 1979

10.
1. 80-03661/K-79-0526
2. 15-093-20411-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Tate 6-2
6. Panama Council Grove
7. Kearny KS
8. 35.0 million cubic feet
9. October 25, 1979
10.
1. 80-03662/K-79-0527
2. 15-093-20509-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Campbell 4-2
6. Panama Council Grove
7. Kearny KS
8. 149.0 million cubic feet
9. October 25, 1979
10.
1. 80-03663/K-79-0528
2. 15-093-20477-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Campbell 8-2
6. Panama Council Grove
7. Kearny KS
8. 49.0 million cubic feet
9. October 25, 1979
10.
1. 80-03664/K-79-0529
2. 15-093-20500-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Lee 7-2
6. Panama Council Grove
7. Kearny KS
8. 183.0 million cubic feet
9. October 25, 1979
10.
1. 80-03665/K-79-0531
2. 15-093-20510-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Campbell 2-2
6. Panama Council Grove
7. Kearny KS
8. 138.0 million cubic feet
9. October 25, 1979
10.
1. 80-03666/K-79-0532
2. 15-093-20455-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. O Laughlin 1-2
6. Panama Council Grove
7. Kearny KS
8. 7.0 million cubic feet
9. October 25, 1979
10.
1. 80-03667/K-79-0533
2. 15-093-20501-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Campbell 6-2
6. Panama Council Grove
7. Kearny KS
8. 80.0 million cubic feet
9. October 25, 1979
10.
1. 80-03668/K-79-0534
2. 15-093-20422-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Roderick 1-2
6. Panama Council Grove
7. Kearny KS
8. 35.0 million cubic feet
9. October 25, 1979
10.
1. 80-03669/K-79-0535
2. 15-093-20209-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Masonic Home 5-2
6. Panama Council Grove
7. Kearny KS
8. 102.0 million cubic feet
9. October 25, 1979
10.
1. 80-03670/K-79-0536
2. 15-093-20379-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Esfeld 1-2
6. Panama Council Grove
7. Kearny KS
8. 25.0 million cubic feet
9. October 25, 1979
10.
1. 80-03671/K-79-0537
2. 15-093-20449-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. McDowell 1-2X
6. Panama Council Grove
7. Kearny, KS
8. 22.0 million cubic feet
9. October 25, 1979
10.
1. 80-03672/K-79-0538
2. 15-093-20408-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Campbell 3A-2
6. Panama Council Grove
7. Kearny, KS
8. 57.0 million cubic feet
9. October 25, 1979
10.
1. 80-03673/K-79-0539
2. 15-093-20456-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Shell 1-2
6. Panama Council Grove
7. Kearny, KS
8. 58.0 million cubic feet
9. October 25, 1979
10.
1. 80-03674/K-79-0542
2. 15-093-00000-0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Company
5. Beiderwell #2
6. Hugoton
7. Kearny, KS
8. 2.0 million cubic feet
9. October 25, 1979
10.
1. 80-03675/K-79-0543
2. 15-093-20445-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Salyer 1-2
6. Panama Council Grove
7. Kearny, KS
8. 39.0 million cubic feet
9. October 25, 1979
10.
1. 80-03676/K-79-0544
2. 15-093-20409-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Adams 1-2
6. Panama Council Grove
7. Kearny, KS
8. 53.0 million cubic feet
9. October 25, 1979
10.
1. 80-03677/K-79-0545
2. 15-093-20410-0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Co Inc
5. Kropp 1-2
6. Panama Council Grove
7. Kearny, KS
8. 56.0 million cubic feet
9. October 25, 1979
10.
1. 80-03678/K-79-0291
2. 15-075-00000-0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. HCU 3321 #1
6. Bradshaw
7. Hamilton, KS
8. 5.0 million cubic feet
9. October 25, 1979
10. Kansas-Nebraska Natural Gas Co
1. 80-03679/K-79-0293
2. 15-075-00000-0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. HCU 3020
6. Bradshaw
7. Hamilton, KS
8. 6.0 million cubic feet
9. October 25, 1979
10. Kansas-Nebraska Natural Gas Co
1. 80-03680/K-79-0295
2. 15-075-00000-0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. HCU 3611 #1
6. Bradshaw
7. Hamilton, KS
8. 2.0 million cubic feet
9. October 25, 1979
10. Kansas-Nebraska Natural Gas Co
1. 80-03681/K-79-0296
2. 15-075-00000-0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. HCU 2511
6. Bradshaw
7. Hamilton, KS
8. 3.0 million cubic feet
9. October 25, 1979
10. Kansas-Nebraska Natural Gas Co
1. 80-03682/K-79-0301
2. 15-075-00000-0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. HCU 3411 #1
6. Bradshaw
7. Hamilton, KS
8. 15.0 million cubic feet
9. October 25, 1979
10. Kansas-Nebraska Natural Gas Co
1. 80-03683/K-79-0351
2. 15-047-20350-0000

3. 103 000 000
 4. Continental Oil Company
 5. W W McLean No 1
 6. CLW-Mississippi (Formerly Charlet)
 7. Edwards, KS
 8. 150.0 million cubic feet
 9. October 25, 1979
 10. Kansas-Nebraska
 1. 80-03684/K-79-0476
 2. 15-093-20404-0000
 3. 102 000 000
 4. W B Osborn Jr
 5. Plummer #1
 6. Panoma
 7. Kearny, KS
 8. 75.0 million cubic feet
 9. October 25, 1979
 10. Colorado Interstate Gas Co
 1. 80-03685/K-79-0477
 2. 15-093-20437-0000
 3. 103 000 000
 4. W B Osborn Jr
 5. Sanford #2
 6. Panoma
 7. Kearny, KS
 8. 50.0 million cubic feet
 9. October 25, 1979
 10. Cities Service Gas Co
 1. 80-03686/K-79-0478
 2. 15-093-20572-0000
 3. 102 000 000
 4. W B Osborn Jr
 5. Rupp #1
 6. Hugoton
 7. Kearny, KS
 8. 25.0 million cubic feet
 9. October 25, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03687/K-79-0479
 2. 15-093-20555-0000
 3. 103 000 000
 4. W B Osborn Jr
 5. Davis #2-A
 6. Panoma
 7. Kearny, KS
 8. 40.0 million cubic feet
 9. October 25, 1979
 10. Colorado Interstate Gas Co
 1. 80-03688/K-79-0481
 2. 15-093-20582-0000
 3. 102 000 000
 4. W B Osborn Jr
 5. David #3-A
 6. Panoma
 7. Kearny, KS
 8. 40.0 million cubic feet
 9. October 25, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03689/K-79-0482
 2. 15-035-20820-0000
 3. 103 000 000
 4. W B Osborn Jr
 5. Youle #2
 6. Panoma
 7. Cowley, KS
 8. 75.0 million cubic feet
 9. October 25, 1979
 10. Cities Service Gas Co
 1. 80-03690/K-79-0483
 2. 15-035-21172-0000
 3. 103 000 000
 4. W B Osborn Jr
 5. Youle #1
 6. Panoma
 7. Cowley, KS

8. 75.0 million cubic feet
 9. October 25, 1979
 10. Cities Service Gas Co
 1. 80-03691/K-79-0484
 2. 15-093-20581-0000
 3. 102 000 000
 4. W B Osborn Jr
 5. David #2-A
 6. Panoma
 7. Kearny, KS
 8. 35.0 million cubic feet
 9. October 25, 1979
 10. Panhandle Eastern Pipeline
 1. 80-03692/K-79-0485
 2. 15-093-20405-0000
 3. 103 000 000
 4. W B Osborn Jr
 5. Waitt (Bakke) #1-A
 6. Panoma
 7. Kearny, KS
 8. 100.0 million cubic feet
 9. October 25, 1979
 10. Colorado Interstate Gas Co
 1. 80-03693/K-79-0486
 2. 15-035-21784-0000
 3. 103 000 000
 4. W B Osborn Jr
 5. Dobbs #1
 6. Panoma
 7. Cowley, KS
 8. 75.0 million cubic feet
 9. October 25, 1979
 10. Cities Service Gas Co

Louisiana Office of Conservation

1. Control Number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State of Block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 80-03606/79-2573
 2. 17-057-21588-0000
 3. 102 000 000
 4. Goodrich Oil Company
 5. Lafourche Basin Levee Dist No. 1
 6. Kings Ridge Field
 7. Lafourche Parish, LA
 8. 365.0 million cubic feet
 9. October 25, 1979
 10. Southern Natural Gas Company
 1. 80-03607/79-2297
 2. 17-001-00776-0000
 3. 102 000 000
 4. Roy M. Tell
 5. Noah Leger No. 1
 6. Branch Field
 7. Acadia Parish, LA
 8. 360.0 million cubic feet
 9. October 25, 1979
 10. Texas Gas Transmission Corp.

Montana Board of Oil and Gas Conservation

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

1. 80-03608/3-79-35
 2. 25-041-21051-0000
 3. 108 000 000
 4. Tricentral United States Inc
 5. Gregoire 29-6-31-18
 6. Bullhook Unit-Tiger Ridge
 7. Hill, MT
 8. 7.8 million cubic feet
 9. October 25, 1979
 10. Northern Natural Gas Company

New Mexico Department of Energy and Minerals Oil Conservation Division

1. Control Number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State of block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 80-03604
 2. 30-025-26069-0000
 3. 103 000 000 denied
 4. Sun Oil Company (Delaware)
 5. J A Akens Well No. 10
 6. Oil Center-Blinbery
 7. Lea, NM
 8. 21.0 million cubic feet
 9. October 24, 1979
 10. Phillips Petroleum Company
 1. Control Number (FERC/State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)

West Virginia Department of Mines--Oil and Gas Division

1. 80-03609
 2. 47-033-00115-0000
 3. 108 000 000
 4. Consolidated Gas Supply Corp
 5. Lavina McMillan 8129
 6. West Virginia other A-85772
 7. Harrison, WV
 8. 7.0 million cubic feet
 9. October 25, 1979
 10. General System Purchasers
 1. 80-03610
 2. 47-021-00992-0000
 3. 108 000 000
 4. Consolidated Gas Supply Corp
 5. Louis Bennett 9855
 6. West Virginia other A-85772
 7. Gilmer, WV
 8. 8.0 million cubic feet
 9. October 25, 1979
 10. General System Purchasers
 1. 80-03611
 2. 47-021-01820-0000
 3. 108 000 000
 4. Consolidated Gas Supply Corp
 5. W G Bennett 10794
 6. West Virginia other A-85772
 7. Gilmer, WV
 8. 5.0 million cubic feet
 9. October 25, 1979
 10. General System Purchasers

1. 80-03612
2. 47-021-02223-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Porter Maxwell 11448
6. West Virginia other A-85772
7. Gilmer, WV
8. 5.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03613
2. 47-021-00989-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Louis Bennett 9857
6. West Virginia other A-85772
7. Gilmer, WV
8. 8.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03614
2. 47-021-00968-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Louis Bennett 9840
6. West Virginia other A-85772
7. Gilmer, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03615
2. 47-021-00913-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Louis Bennett 9728
6. West Virginia other A-85772
7. Gilmer, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03616
2. 47-021-00690-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. C C Fisher 8963
6. West Virginia other A-85772
7. Gilmer, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03617
2. 47-021-00656-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Ella Despard 8884
6. West Virginia other A-85772
7. Gilmer, WV
8. 7.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03618
2. 47-021-00647-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Percy Boggs 5542
6. West Virginia other A-85772
7. Gilmer, WV
8. 8.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03619
2. 47-021-00619-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J D Smith 6163
6. West Virginia other A-85772
7. Gilmer, WV
8. 7.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03620
2. 47-021-02961-0000
3. 108 000 000
4. Trio Petroleum Corp
5. Glenville Baptist Church No 1
6. Revel
7. Gilmer, WV
8. 7.3 million cubic feet
9. October 25, 1979
10. Carnegie Natural Gas Co
1. 80-03621
2. 47-007-01198-0000
3. 108 000 000
4. Trio Petroleum Corp
5. Knight No 2
6. Glenville South
7. Braxton, WV
8. 9.0 million cubic feet
9. October 25, 1979
10. Consolidated Gas Supply Corp
1. 80-03622
2. 47-013-01269-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Louis Bennett 9895
6. West Virginia other A-85772
7. Calhoun, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03623
2. 47-013-01440-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Matilda Parsons 9990
6. West Virginia other A-85772
7. Calhoun, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03624
2. 47-013-01572-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Isaac Tucker 10099
6. West Virginia other A-85772
7. Calhoun, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 30-03625
2. 47-013-01580-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. L C Collins 10111
6. West Virginia other A-85772
7. Calhoun, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03626
2. 47-013-01939-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Brannon-Parsons 10379
6. West Virginia other A-85772
7. Calhoun, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03627
2. 47-013-02447-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Hunter M Bennett 11232
6. West Virginia other A-85772
7. Calhoun, WV
8. 5.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03628
2. 47-017-01550-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R L Barnes 11143
6. West Virginia other A-85772
7. Doddridge, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03629
2. 47-017-01652-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W B Maxwell 11393
6. West Virginia other A-85772
7. Doddridge, WV
8. 2.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03630
2. 47-097-01150-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Anita Burnett 11035
6. West Virginia other A-85772
7. Upshur, WV
8. 7.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03631
2. 47-103-00326-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. B F Fox 5440
6. West Virginia other A-85772
7. Wetzel, WV
8. 1.5 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03632
2. 47-019-00083-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Guy D Brown 9763
6. West Virginia other A-85772
7. Fayette, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03633
2. 47-021-00510-000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Martha J Turner 8563
6. West Virginia other A-85772
7. Gilmer, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03634
2. 47-041-01142-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Smith & Stout 10490

6. West Virginia other A-85772
7. Lewis, WV
8. .4 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03635
2. 47-097-00627-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Frank Knicley 10310
6. West Virginia other A-85772
7. Upshur, WV
8. 7.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03636
2. 47-097-00748-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J P Freeman 10328
6. West Virginia other A-85772
7. Upshur, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03637
2. 47-097-00575-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R W Johnson 10193
6. West Virginia other A-85772
7. Upshur, WV
8. 1.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03638
2. 47-097-00623-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R W & F M Teter 10298
6. West Virginia Other A-85772
7. Upshur, WV
8. 7.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03639
2. 47-097-00626-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W H Shobe 10304
6. West Virginia Other A-85772
7. Upshur, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03640
2. 47-085-00423-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Sherwood Heirs 7736
6. West Virginia Other A-85772
7. Ritchie, WV
8. 2.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03641
2. 47-085-00423-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Sherwood Heirs 7736
6. West Virginia Other A-85772
7. Ritchie, WV
8. 2.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03642
2. 47-097-00361-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Rachel Dawson 9366
6. West Virginia Other A-85772
7. Upshur, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03643
2. 47-097-00502-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. C A Thomas 10038
6. West Virginia Other A-85772
7. Upshur, WV
8. 8.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03644
2. 47-097-00505-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. B B Radabaugh 10054
6. West Virginia Other A-85772
7. Upshur, WV
8. 8.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03645
2. 47-097-00571-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J C Reed 10189
6. West Virginia Other A-85772
7. Upshur, WV
8. 7.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03646
2. 47-097-00573-0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. C V Rusmisesell 10194
6. West Virginia Other A-85772
7. Upshur, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03647
2. 47-041-01323-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Aldis Clark 10644
6. West Virginia Other A-85772
7. Lewis, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03648
2. 47-041-01384-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. D R Swisher 10684
6. West Virginia Other A-85772
7. Lewis, WV
8. 6.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03649
2. 47-041-01597-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W G Hinzman 10990
6. West Virginia Other A-85772
7. Lewis, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03650
2. 47-041-01743-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Prudence M Ohara 11220
6. West Virginia Other A-85772
7. Lewis, WV
8. 5.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
1. 80-03651
2. 47-041-01797-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Minor J Hall 11359
6. West Virginia Other A-85772
7. Lewis, WV
8. 4.0 million cubic feet
9. October 25, 1979
10. General System Purchasers
- U.S. Geological Survey, Albuquerque, N. Mex.
1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-03556/COA-3278-79
2. 05-067-05631-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation
5. Bondad 34-10 #5
6. Ignacio Blanco
7. La Plata, CO
8. 5.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation
1. 80-03557/COA-3279-79
2. 05-067-05182-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation
5. Colorado 32-8 #1
6. Ignacio Blanco
7. La Plata, CO
8. 10.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation
1. 80-03545/NM-3252-79
2. 30-039-07778-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation

5. San Juan 30-5 Unit No. 34
6. Blanco
7. Rio Arriba, NM
8. 13.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 80-03546/NM-3254-79
2. 30-039-07533-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation
5. S/J 29-5 Unit No. 9
6. Blanco MV
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 80-03547/NM-3255-79
2. 30-039-07745-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation
5. S/J 30-5 Unit No. 4
6. Blanco
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 80-03548/NM-3260-79
2. 30-039-11221-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation
5. S/J 32-8 Unit No. 2
6. Blanco
7. San Juan, NM
8. 4.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 80-03549/NM-3262-79
2. 30-039-07916-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation
5. S/J 31-6 Unit No. 22
6. Blanco
7. Rio Arriba, NM
8. 13.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 80-03550/NM-3263-79
2. 30-039-82389-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation
5. S/J 31-6 Unit No. 18
6. Blanco
7. Rio Arriba, NM
8. 9.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 80-03551/NM-3264-79
2. 30-039-07949-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation
5. S/J 31-6 Unit No. 9
6. Blanco
7. Rio Arriba, NM
8. 9.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 80-03552/NM-3272-79
2. 30-039-07980-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation
5. Rosa Unit No. 35X
6. Blanco
7. Rio Arriba, NM
8. 13.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 80-03553/NM-3274-79
2. 30-039-07946-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation
5. Rosa Unit No. 15
6. Blanco
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 80-03554/NM-3276-79
2. 30-039-07944-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation
5. Rosa Unit No. 8
6. Blanco
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 80-03555/NM-3277-79
2. 30-039-07912-0000-0
3. 108 000 000
4. Northwest Pipeline Corporation
5. S/J 31-6 Unit No. 13
6. Blanco Mesa Verde
7. Rio Arriba, NM
8. 7.0 million cubic feet
9. October 24, 1979
10. Northwest Pipeline Corporation El Paso Natural Gas Co
1. 80-03558A/NM-2896-79-A
2. 30-039-21429-0000-1
3. 103 000 000
4. Continental Oil Company
5. AXI Apache O No. 10
6. AXI Apache Area
7. Rio Arriba, NM
8. 67.0 million cubic feet
9. October 24, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-03558B/NM-2896-79-B
2. 30-039-21429-0000-2
3. 103 000 000
4. Continental Oil Company
5. AXI Apache O No. 10
6. AXI Apache Area
7. Rio Arriba, NM
8. 33.0 million cubic feet
9. October 24, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-03559/NM-2989-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache A No. 6
6. AXI Apache Area
7. Rio Arriba, NM
8. 8.7 million cubic feet
9. October 24, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-03560/NM-3049-79
2. 30-039-21720-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Rincon Unit No. 97A
6. Blanco
7. Rio Arriba, NM
8. 75.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03561/NM-3052-79
2. 30-039-21682-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit No. 12A
6. Blanco
7. Rio Arriba, NM
8. 110.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03562/NM-3253-79
2. 30-039-21683-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit No. 13A
6. Blanco
7. Rio Arriba, NM
8. 155.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03563/NM-3054-79
2. 30-039-21684-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit No. 55A
6. Blanco
7. Rio Arriba, NM
8. 165.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03564/NM-3055-79
2. 30-039-21688-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit No. 58A
6. Blanco
7. Rio Arriba, NM
8. 330.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03565/NM-3056-79
2. 30-045-22841-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Horton No. 1A
6. Blanco
7. San Juan, NM
8. 330.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03566/NM-3057-79
2. 30-045-23063-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Neil No. 5A
6. Blanco
7. San Juan, NM
8. 260.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03567/NM-3058-79
2. 30-045-23062-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Mudge No. 9A
6. Blanco
7. San Juan, NM
8. 165.0 million cubic feet

9. October 24, 1979
 10. El Paso Natural Gas Company
 1. 80-03605/NM-3334-79
 2. 30-039-21702-0000-0
 3. 102 000 000 denied
 4. Amoco Production Company
 5. Rosa Unit No. 65
 6. Basin Dakota
 7. Rio Arriba, NM
 8. 377.0 million cubic feet
 9. October 25, 1979
 10. Northwest Pipeline Corp

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

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before January 4, 1980.

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

Kenneth F. Plumb,
 Secretary.

[FR Doc. 79-39021 Filed 12-19-79; 8:45 am]
 BILLING CODE 6450-01-M

[No. 124]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

December 10, 1979.

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

Louisiana Office of Conservation

- Control number (F.E.R.C./State)
- API well number
- Section of NGPA
- Operator
- Well name
- Field or OCS area name
- County, State or Block No.
- Estimated annual volume
- Date received at FERC
- Purchaser(s)
- 80-06806/79-1677
- 17-101-21089-0000
- 102 000 000
- Neuhoff Oil & Gas Corp
- Fairfax Forster Sutter #1
- East Franklin
- St Marys Parish, LA
- .0 million cubic feet
- November 20, 1979

- 10.
- 80-06807/79-2437
- 17-109-21993-0000
- 102 000 000
- The Superior Oil Company
- Southdown Inc A No 5
- Sunrise
- Terrebonne Parish, LA
- 3481.0 million cubic feet
- November 20, 1979
- United Gas Pipe Line Co
- 80-06808/79-2438
- 17-109-22098-0000
- 102 000 000
- McMoran Exploration Co
- C R Duplantis #1
- Sunrise
- Terrebonne Parish, LA
- 9000.0 million cubic feet
- November 20, 1979
- 10.

Mississippi Oil and Gas Board

- Control number (F.E.R.C./State)
- API well number
- Section of NGPA
- Operator
- Well name
- Field or OCS area name
- County, State or Block No.
- Estimated annual volume
- Date received at FERC
- Purchaser(s)
- 80-06720/99-79-423
- 23-071-20061-0000-1
- 107 000 000
- Sun Oil Company (Delaware)
- M H Patterson No 1 (Harper)
- Columbia (Harper Sand)
- Marion, MS
- 1750.0 million cubic feet
- November 16, 1979
- 10.
- 80-06721/100-79-423
- 23-071-20061-0000-2
- 107 000 000
- Sun Oil Company (Delaware)
- M H Patterson No 1 (Booth)
- Columbia (Booth Sand)
- Marion, MS
- 912.0 million cubic feet
- November 16, 1979
- 10.
- 80-06722/101-79-420-1
- 23-065-20120-0000
- 107 000 000
- American Natural Gas Production Com
- J S O'Flynn #1-31
- Holiday Creek
- Jefferson Davis, MS
- 150.0 million cubic feet
- November 16, 1979
- Michigan Wisconsin Pipe Line Company
- 80-06723/97-79-224
- 23-045-20051-0000
- 102 103 000
- Vega Oil and Gas Management Inc
- Emma Dorward 26-10 No 1
- Waveland
- Hancock, MS
- 400.0 million cubic feet
- November 16, 1979
- 10.
- 80-06724/96-79-56
- 23-095-20234-0000

- 102 103 000
- The Louisiana Land & Expl Co
- LL&E—Lee H Harrington No 1
- Aberdeen
- Monroe, MS
- 239.0 million cubic feet
- November 16, 1979
- Texas Eastern Trans Corp
- 80-06725/92-79-399
- 23-113-20048-0000
- 102 000 000
- Tesoro Petroleum Corp
- Slayton Travis Unit No 1
- Chatawa Field
- Pike, MS
- .0 million cubic feet
- November 19, 1979
- Transcontinental Gas P/L Corp
- 80-06726/94-79-420
- 23-065-20129-0000
- 107 000 000
- System Fuels Inc
- E McLeod 30-5 No 1
- Holiday Creek
- Jefferson Davis, MS
- 72.0 million cubic feet
- November 19, 1979
- 10.
- 80-06727/91-79-399
- 23-113-20053-0000
- 102 000 000
- Tesoro Petroleum Corporation
- D B Slayton 4-14 No 1
- Chatawa
- Pike, MS
- .0 million cubic feet
- November 19, 1979
- Transcontinental Gas P/L Corp

New Mexico Department of Energy and Minerals, Oil Conservation Division

- Control number (F.E.R.C./State)
- API well number
- Section of NGPA
- Operator
- Well name
- Field or OCS area name
- County, State or Block No.
- Estimated annual volume
- Date received at FERC
- Purchaser(s)
- 80-06731
- 30-025-25515-0000
- 103 000 000
- Gulf Oil Corporation
- Central Drinkard Unit No 418
- Drinkard
- Lea, NM
- 207.0 million cubic feet
- November 20, 1979
- El Paso Natural Gas Company
- 80-06732
- 30-025-26318-0000
- 102 000 000
- Minerals Inc
- Llano 34 State Com No 1
- East Grama Ridge Morrow
- Lea, NM
- .0 million cubic feet
- November 20, 1979
- Phillips Petroleum Company
- 80-06733
- 30-015-22718-0000
- 102 000 000
- J C Barnes Oil Company

5. Big Chief CCMM No 2
6. Wildcat
7. Eddy, NM
8. 730.0 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06734
2. 30-025-21092-0000
3. 108 000 000 Denied
4. Arco Oil and Gas Company
5. Wimberly #9
6. Justis
7. Lea, NM
8. 5.4 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06735
2. 30-025-26226-0000
3. 103 000 000
4. Phillips Petroleum Company
5. E Vac GB/SA Unit TR 2801 #004
6. Vacuum Grayburg/San Andres
7. Lea, NM
8. 4 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company

Texas Railroad Commission, Oil and Gas Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-06809/06406
2. 42-065-00000-0000
3. 108 000 000
4. Getty Oil Company
5. Schafer Ranch No 23
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. November 20, 1979
10. Getty Oil Company Natural Gas Plant
1. 80-06810/06189
2. 42-065-00000-0000
3. 108 000 000
4. Getty Oil Company
5. Schafer Ranch-No 19
6. Panhandle
7. Carson, TX
8. 3.0 million cubic feet
9. November 20, 1979
10. Getty Oil Company Natural Gas Plant
1. 80-06811/05224
2. 42-357-00000-0000
3. 108 000 000
4. Diamond Shamrock Corporation
5. A W Henry A No 1-62
6. Ellis Ranch
7. Ochiltree, TX
8. 8.0 million cubic feet
9. November 20, 1979
10. Southwestern Public Service Co.
1. 80-06812/04926
2. 42-105-30100-0000
3. 108 000 000
4. Indian Wells Oil Co
5. Austin Millsbaugh 1-1
6. Ozona Canyon Sand

7. Crockett, TX
8. 13.0 million cubic feet
9. November 20, 1979
10. Northern Natural Gas Co
1. 80-06813/04905
2. 42-105-30119-0000
3. 108 000 000
4. Indian Wells Oil Company
5. Austin Millsbaugh 2-4
6. Ozona Canyon Sand
7. Crockett, TX
8. 3.7 million cubic feet
9. November 20, 1979
10. Northern Natural Gas Co
1. 80-06814/04670
2. 42-087-26288-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. William 2
6. Panhandle East
7. Collingsworth, TX
8. 8.2 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06815/03807
2. 42-175-00000-0000
3. 108 000 000
4. American Petrofina Co of Texas
5. Helena Bethke et al #2
6. Cabeza Creek South
7. Goliad, TX
8. 18.0 million cubic feet
9. November 20, 1979
10. United Gas Pipeline Company
1. 80-06816/03492
2. 42-375-30020-0000
3. 108 000 000
4. CIG Exploration Inc
5. Bivins 37R
6. Panhandle West Red Cave
7. Potter, TX
8. 13.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06817/03489
2. 42-205-00000
3. 108 000 000
4. CIG Exploration Inc
5. Bivins A-90
6. Panhandle West
7. Hartley, TX
8. 19.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06818/03488
2. 42-375-30316-0000
3. 108 000 000
4. CIG Exploration Inc
5. Bivins 82R
6. Panhandle West Red Cave
7. Potter, TX
8. 7.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06819/03485
2. 42-341-27098-0000
3. 108 000 000
4. CIG Exploration Inc
5. Thompson 1R
6. Panhandle West Red Cave
7. Moore, TX
8. 13.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06820/03477

2. 42-375-30232-0000
3. 108 000 000
4. CIG Exploration Inc
5. Masterson 92R
6. Panhandle West Red Cave
7. Potter, TX
8. 17.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06821/03473
2. 42-341-00000-0000
3. 108 000 000
4. CIG Exploration Inc
5. Crawford D-3
6. Panhandle West
7. Moore, TX
8. 10.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06822/03470
2. 42-341-00000-0000
3. 108 000 000
4. CIG Exploration Inc
5. Thompson B-12
6. Panhandle West
7. Moore, TX
8. 7.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06823/03468
2. 42-375-00000-0000
3. 108 000 000
4. CIG Exploration Inc
5. Masterson J-6
6. Panhandle West
7. Potter, TX
8. 7.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06824/03465
2. 42-205-00000-0000
3. 108 000 000
4. CIG Exploration Inc
5. Bivins A-22
6. Panhandle West
7. Hartley, TX
8. 21.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06825/03464
2. 42-375-00000-0000
3. 108 000 000
4. CIG Exploration Inc
5. Bivins 73R
6. Panhandle West Red Cave
7. Potter, TX
8. 15.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06826/03459
2. 42-341-00000-0000
3. 108 000 000
4. CIG Exploration Inc
5. Killgore 1R
6. Panhandle West Red Cave
7. Moore, TX
8. 2.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06827/03457
2. 42-205-00000-0000
3. 108 000 000
4. CIG Exploration Inc
5. Bivins A-144
6. Panhandle West

7. Hartley, TX
8. 13.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06828/03458
2. 42-341-00000-0000
3. 108 000 000
4. CIG Exploration Inc
5. Thompson 2R
6. Panhandle West Red Cave
7. Moore, TX
8. 19.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06829/03453
2. 42-375-30164-0000
3. 108 000 000
4. CIG Exploration Inc
5. Masterson 76R
6. Panhandle West Red Cave
7. Potter, TX
8. 16.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06830/03450
2. 42-375-30168-0000
3. 108 000 000
4. CIG Exploration Inc
5. Masterson 80R
6. Panhandle West Red Cave
7. Potter, TX
8. 20.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06831/03447
2. 42-375-00000-0000
3. 108 000 000
4. CIG Exploration Inc
5. Bivins A-87
6. Panhandle West
7. Potter, TX
8. 10.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06832/03445
2. 42-375-30166-0000
3. 108 000 000
4. CIG Exploration Inc
5. Masterson 78R
6. Panhandle West Red Cave
7. Potter, TX
8. 10.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06833/03443
2. 42-375-30165-0000
3. 108 000 000
4. CIG Exploration Inc
5. Masterson 79R
6. Panhandle West Red Cave
7. Potter, TX
8. 13.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06834/03442
2. 42-341-00000-0000
3. 108 000 000
4. CIG Exploration Inc
5. Killgore A-9
6. Panhandle West
7. Moore, TX
8. 9.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06835/03441
2. 42-341-30118-0000
3. 108 000 000
4. CIG Exploration Inc
5. Masterson 54R
6. Panhandle West Red Cave
7. Moore, TX
8. 11.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06836/03440
2. 42-375-00000-0000
3. 108 000 000
4. CIG Exploration Inc
5. Masterson B-70
6. Panhandle West
7. Potter, TX
8. 16.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06837/03439
2. 42-205-00000-0000
3. 108 000 000
4. CIG Exploration Inc
5. Bivins A-93
6. Panhandle West
7. Hartley, TX
8. 10.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06838/03433
2. 42-375-30070-0000
3. 108 000 000
4. CIG Exploration Inc
5. Bivins 53R
6. Panhandle West Red Cave
7. Potter, TX
8. 8.0 million cubic feet
9. November 20, 1979
10. Colorado Interstate Gas Co
1. 80-06839/02574
2. 42-179-26112-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Hudgins B 1
6. Panhandle East Red Cave
7. Gray, TX
8. 9.4 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06840/02507
2. 42-087-26267-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Smith A 1
6. Panhandle East
7. Collingsworth, TX
8. 1.7 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06841/02504
2. 42-179-26235-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. ORR 2
6. Panhandle East
7. Gray, TX
8. 6.3 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06842/02500
2. 42-483-26032-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Boren A 2
6. Panhandle East
7. Collingsworth, TX
8. 10.5 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06843/02499
2. 42-179-23748-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Simmons 1
6. Panhandle West
7. Gray, TX
8. 13.9 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06844/02498
2. 42-087-41047-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Bell #5-D
6. Panhandle East
7. Collingsworth, TX
8. 3.7 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06845/02477
2. 42-087-26085-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Glenn B 1
6. Panhandle East
7. Collingsworth, TX
8. 5.8 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06846/02476
2. 42-087-26294-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Williams A 4
6. Panhandle East
7. Collingsworth, TX
8. 13.8 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06847/02475
2. 42-483-26061-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Copeland 1
6. Panhandle East
7. Wheeler, TX
8. 9.3 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06848/02474
2. 42-087-26241-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Parrish C #1
6. Panhandle East
7. Collingsworth, TX
8. 7.3 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06849/02473
2. 42-483-26070-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Federal Life Insurance Company 1
6. Panhandle East Red Cave
7. Wheeler, TX
8. 14.0 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company
1. 80-06850/02461

2. 42-087-26230-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Oneil A 4
6. Panhandle East
7. Collingsworth, TX
8. 5.6 million cubic feet
9. November 20, 1979
10. El Paso Natural Gas Company

West Virginia Department of Mines, Oil and Gas Division

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

1. 80-06718
2. 47-013-01697-0000
3. 108 000 000
4. William L Heeter
5. John W. Robinson No. 1
6. Sycamore-Millstone
7. Calhoun, WV
8. 3.7 million cubic feet
9. November 23, 1979
10. Consolidated Gas Supply Co

1. 80-06719
2. 47-013-01780-0000
3. 108 000 000
4. William L. Heeter
5. John W. Robinson No. 2
6. Sycamore-Millstone
7. Calhoun, WV
8. 3.7 million cubic feet
9. November 23, 1979
10. Consolidated Gas Supply Company

1. 80-06738
2. 47-039-01783-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Delsie Cleek 1-1132
- 6.

7. Kanawha, WV
8. 8.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys, Inc., Libby-Owens Ford Co., Owens-Illinois Co.

1. 80-06737
2. 47-039-01806-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lewis Holding CO 6-1140
- 6.

7. Kanawha, WV
8. 4.7 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-06738
2. 47-039-01769-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lewis Holding CO 5-1139
- 6.

7. Kanawha, WV
8. 2.7 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-06739

2. 47-039-01772-0000
3. 108 000 000
4. Industrial Gas Corporation
5. B J Pettigrew 3-1117
- 6.
7. Kanawha, WV
8. 2.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys, Inc., Libbey-Owens, Ford Co., Owens-Illinois, Co.

1. 80-06740
2. 47-039-01713-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lewis Holding Co 1-1107
- 6.
7. Kanawha, WV
8. 6.2 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-06741
2. 47-039-01736-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lewis Holding CO 3-1121
- 6.
7. Kanawha WV
8. 2.2 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-06742
2. 47-039-01737-0000
3. 108 000 000
4. Industrial Gas Corporation
5. B J Pettigrew 1-1108
- 6.

7. Kanawha WV
8. 3.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co

1. 80-06743
2. 47-039-01757-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Effie Edwards 1-1133
- 6.

7. Kanawha WV
8. 6.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co

1. 80-06744
2. 47-099-00236-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Koonce-Zimmerman 2-599
- 6.

7. Wayne WV
8. 4.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co

1. 80-06745
2. 47-099-00231-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hoard Baldwin 24-597
- 6.

7. Wayne WV
8. 1.7 million cubic feet

9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co

1. 80-06746
2. 47-099-00245-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Guyan Oil 8-605
- 6.
7. Wayne WV
8. 3.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co

1. 80-06747
2. 47-099-00247-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 29-604
- 6.

7. Wayne WV
8. 6.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co

1. 80-06748
2. 47-005-01122-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Bedford Et Al 12-257
- 6.

7. Boone WV
8. 2.7 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co

1. 80-06749
2. 47-005-01124-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Bedford Et Al 14-325
- 6.

7. Boone WV
8. 1.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co

1. 80-06750
2. 47-005-01125-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Bedford Et Al 15-329
- 6.

7. Boone WV
8. 4.5 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co

1. 80-06751
2. 47-005-01158-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 9-211
- 6.

7. Boone WV
8. 1.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co

1. 80-08752
2. 47-005-01157-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 7-198
- 6.
7. Boone WV
8. 1.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-08753
2. 47-005-01199-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 3-45
- 6.
7. Boone WV
8. 10.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-06754
2. 47-099-00276-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hoard Baldwin 29-653
- 6.
7. Wayne WV
8. .9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-08755
2. 47-099-00279-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hoard Baldwin 30-657
- 6.
7. Wayne WV
8. 3.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-08756
2. 47-099-00289-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Louisa Collins 2-669
- 6.
7. Wayne WV
8. 9.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-08757
2. 47-099-00290-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hoard Baldwin 31-664
- 6.
7. Wayne WV
8. 2.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-08758
2. 47-099-00291-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Louisa Collins 3-673
- 6.
7. Wayne WV
8. 5.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-06759
2. 47-099-00349-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Ferguson-Sellards 1-702
- 6.
7. Wayne WV
8. 4.5 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-06760
2. 47-099-00485-0000
3. 108 000 000
4. Industrial Gas Corporation
5. R & T P Maynard 6-760
- 6.
7. Wayne WV
8. 1.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-06761
2. 47-099-00753-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 54-799
- 6.
7. Wayne WV
8. 4.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-06762
2. 47-099-00246-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Koonce-Zimmerman 3-609
- 6.
7. Wayne WV
8. 4.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-06763
2. 47-099-00487-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 44-754
- 6.
7. Wayne WV
8. 2.4 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-06764
2. 47-099-00510-0000
3. 108 000 000
4. Industrial Gas Corporation
5. C E Collins 1-764
- 6.
7. Wayne WV
8. 5.7 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington Alloys Inc., Libby-Owens Ford Co., Owens-Illinois Co
1. 80-06765
2. 47-099-00410-0000
3. 108 000 000
4. Industrial Gas Corporation
5. F W Thompson 1-728
- 6.
7. Wayne WV
8. 10.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington Alloys Inc Libby-Owens Ford Co Owens-Illinois Co
1. 80-08766
2. 47-099-00426-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Koonce-Zimmerman 7-748
- 6.
7. Wayne WV
8. 9.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington Alloys Inc Libby-Owens Ford Co Owens-Illinois Co
1. 80-06767
2. 47-099-00433-0000
3. 108 000 000
4. Industrial Gas Corporation
5. R & T P Maynard 3-741
- 6.
7. Wayne WV
8. 10.4 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington Alloys Inc Libby-Owens Ford Co Owens-Illinois Co
1. 80-06768
2. 47-099-00434-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 43-753
- 6.
7. Wayne WV
8. 9.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington Alloys Inc Libby-Owens Ford Co Owens-Illinois Co
1. 80-06769
2. 47-099-00439-0000
3. 108 000 000
4. Industrial Gas Corporation
5. C T Fraley 1-725
- 6.
7. Wayne WV
8. 8.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington Alloys Inc Libby-Owens Ford Co Owens-Illinois Co
1. 80-06770
2. 47-099-00466-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hoard Baldwin 35-757
- 6.
7. Wayne WV
8. 5.1 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06771
2. 47-099-00417-0000
3. 108 000 000
4. Industrial Gas Corporation
5. R & T P Maynard 2-739
- 6.

7. Wayne WV
8. 10.7 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06772
2. 47-099-00571-0000
3. 108 000 000
4. Industrial Gas Corporation
5. R Williamson 1-773
- 6.

7. Wayne WV
8. 4.5 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06773
2. 47-099-00341-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 37-695
- 6.

7. Wayne WV
8. 4.4 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06774
2. 47-099-00342-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 38-696
- 6.

7. Wayne WV
8. 13.8 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06775
2. 47-099-00350-0000
3. 108 000 000
4. Industrial Gas Corporation
5. A W Preston 1-704
- 6.

7. Wayne WV
8. 6.4 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06776
2. 47-099-00359-0000
3. 108 000 000
4. Industrial Gas Corporation
5. R & T P Maynard 1-708
- 6.

7. Wayne WV
8. 14.4 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06777
2. 47-099-00382-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 40-709
- 6.

7. Wayne WV
8. 9.6 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06778
2. 47-099-00397-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 41-716
- 6.

7. Wayne WV
8. 14.2 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06779
2. 47-099-00409-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 42-717
- 6.

7. Wayne WV
8. 7.4 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06780
2. 47-099-00580-0000
3. 108 000 000
4. Industrial Gas Corporation
5. J N Hauser 3-775
- 6.

7. Wayne WV
8. 5.0 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06781
2. 47-099-00584-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 49-777
- 6.

7. Wayne WV
8. 7.5 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06782
2. 47-099-00611-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Noah Maynard 1-785
- 6.

7. Wayne WV
8. 4.7 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06783
2. 47-099-00634-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Westmoreland 5-1177
- 6.

7. Wayne WV
8. 9.5 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

4. Industrial Gas Corporation
5. Wilson Coal Land Co 52-790

- 6.
7. Wayne WV
8. 5.4 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06784
2. 47-099-00644-0000
3. 108 000 000
4. Industrial Gas Corporation
5. G D Jackson 1-793
- 6.

7. Wayne WV
8. 8.2 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06785
2. 47-099-00036-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 21-536
- 6.

7. Wayne WV
8. 9.5 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06786
2. 47-099-00013-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 22-537
- 6.

7. Wayne WV
8. 1.4 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06787
2. 47-099-00018-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hoard Baldwin 8-506
- 6.

7. Wayne WV
8. 3.4 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06788
2. 47-099-00019-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 3-521
- 6.

7. Wayne WV
8. 9.5 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

1. 80-06851
2. 47-005-00948-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Westmoreland 5-1177
- 6.

7. Wayne WV
8. 9.5 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Co

7. Boone, WV
8. 2.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc
1. 80-06852
2. 47-005-00945-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Westmoreland 2-1152
6.
7. Boone, WV
8. 2.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc
1. 80-06853
2. 47-005-00944-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Westmoreland 3-1174
6.
7. Boone, WV
8. 1.7 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc
1. 80-06854
2. 47-005-00945-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Bedford Etal 20-1150
6.
7. Boone, WV
8. 1.0 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc
1. 80-06855
2. 47-005-00936-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Bull Creek 25B-1158
6. Kanawha Forest Newburg
7. Boone, WV
8. 18.2 million cubic feet
9. November 20, 1979
10. Libbey-Owens-Ford
1. 80-06856
2. 47-005-00899-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Pond Fork 6-1015
6.
7. Boone, WV
8. 4.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co
1. 80-06857
2. 47-005-00908-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Peytona Coal Co 37-1073
6.
7. Boone, WV
8. 14.0 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co
1. 80-06858
2. 47-005-00912-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Peytona Coal Co 38-1074
6.
7. Boone, WV
8. 5.0 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co
1. 80-06859
2. 47-005-00917-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B40-1131
6.
7. Boone, WV
8. 10.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co
1. 80-06860
2. 47-005-00935-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Westmoreland 1-1151
6.
7. Boone, WV
8. 2.4 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co
1. 80-06861
2. 47-005-00883-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Westmoreland 6-1178
6.
7. Boone, WV
8. 6.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co
1. 80-06862
2. 47-005-01010-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Bull Creek 28-1159
6.
7. Boone, WV
8. 10.8 million cubic feet
9. November 20, 1979
10. Libbey-Owens-Ford
1. 80-06863
2. 47-043-21381-0000
3. 108 000 000
4. F D & D F Smith
5. UFG Min N-1-1
6. Harts Crk
7. Lincoln, WV
8. 8.8 million cubic feet
9. November 20, 1979
10. Columbia Gas Trans Corp
1. 80-06864
2. 47-043-01386-0000
3. 108 000 000
4. Industrial Gas Corporation
5. F F Starcher 11-1203
6.
7. Lincoln, WV
8. 12.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co
1. 80-06865
2. 47-039-01751-0000
3. 108 000 000
4. Industrial Gas Corporation
5. B J Pettigrew 2-1116
6.
7. Kanawha, WV
8. 1.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co
1. 80-06866
2. 47-021-22919-0000
3. 108 000 000
4. Industrial Gas Associates
5. C S Connolly Heirs No 1
6. Dekalb Dist
7. Gilmer, WV
8. 7.0 million cubic feet
9. November 20, 1979
10. Consolidated Gas Supply Corp
1. 80-06867
2. 47-039-01905-0000
3. 108 000 000
4. Industrial Gas Corporation
5. John Duncan 1-1147
6.
7. Kanawha, WV
8. 6.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co
1. 80-06868
2. 47-039-01875-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lewis Holding Co 10-1169
6.
7. Kanawha, WV
8. 4.7 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-06869
2. 47-043-01265-0000
3. 108 000 000
4. Industrial Gas Corporation
5. C Underhill 2-1014
6.
7. Lincoln, WV
8. 5.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co
1. 80-06870
2. 47-043-01324-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marv Bess 1-1000
6.
7. Lincoln, WV
8. 10.4 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co
1. 80-06871
2. 47-043-01377-0000
3. 108 000 000
4. Industrial Gas Corporation
5. F F Starcher 10-1198
6.
7. Lincoln, WV
8. 6.9 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06872
2. 47-039-02255-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Alford-Jarrett 1-1219
- 6.

7. Kanawha, WV
8. 12.1 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06873
2. 47-039-02397-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Z H Trowbridge 1-1225
- 6.

7. Kanawha, WV
8. 13.8 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06874
2. 47-043-01223-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Aubrey Turley 1-1001
- 6.

7. Lincoln, WV
8. 8.9 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06875
2. 47-099-00274-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hoard Baldwin 28-650
- 6.

7. Wayne, WV
8. 1.0 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06876
2. 47-099-00304-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 32-634
- 6.

7. Wayne, WV
8. 9.7 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06877
2. 47-099-00312-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 33-674
- 6.

7. Wayne, WV
8. 7.7 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06878
2. 47-099-00331-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Ferguson Excelsor 1-688
- 6.

7. Wayne, WV
8. 13.5 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06879
2. 47-099-00340-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 38-694
- 6.

7. Wayne, WV
8. 5.9 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06880
2. 47-099-00737-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marion Burgess A 1-788
- 6.

7. Wayne, WV
8. 4.4 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06881
2. 47-005-01132-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Benj Pauley 2-340
- 6.

7. Boone, WV
8. 1.6 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06882
2. 47-005-01131-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Benj Pauley 1-330
- 6.

7. Boone, WV
8. 2.6 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06883
2. 47-005-01133-0000
3. 108 000 000
4. Industrial Gas Corporation
5. F T Miller 1-276
- 6.

7. Boone, WV
8. 3.9 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06884
2. 47-043-00671-0000
3. 108 000 000

4. Industrial Gas Corporation
5. Stein & McComas 1-744
6.

7. Lincoln, WV
8. 11.5 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06885
2. 47-043-00578-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Pattie Porter 5-706
- 6.

7. Lincoln, WV
8. 3.4 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06886
2. 47-043-00613-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Island Creek Mining 1-711
- 6.

7. Lincoln, WV
8. 5.6 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06887
2. 47-005-01129-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Peytona Coal Co 11-261
- 6.

7. Boone, WV
8. 4.9 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06888
2. 47-005-01140-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B11-338
- 6.

7. Boone, WV
8. 4 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06889
2. 47-005-01139-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Eliza Wilson 1-243
- 6.

7. Boone, WV
8. 2.3 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Co

1. 80-06890
2. 47-005-01138-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Minerva Roach 1-282
- 6.

7. Boone, WV
8. 7.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Co
1. 80-06891
2. 47-005-00475-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 33-586
6.
7. Boone, WV
8. 1.4 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Co
1. 80-06892
2. 47-005-00468-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 32-579
6.
7. Boone, WV
8. .4 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Co
1. 80-06893
2. 47-005-00470-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 28-575
6.
7. Boone, WV
8. 3.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Co
1. 80-06894
2. 47-005-00452-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B2-566
6.
7. Boone, WV
8. 2.0 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Co
1. 80-06895
2. 47-005-00453-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 31-569
6.
7. Boone, WV
8. 2.7 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Co
1. 80-06896
2. 47-005-00454-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Peytona Coal Co 34-568
6.
7. Boone, WV
8. 4.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Co
1. 80-06897
2. 47-039-01823-0000
3. 108 000 000
4. Industrial Gas Corporation
5. W R Stover C-1-1046
6.
7. Kanawha, WV
8. 4.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Co
1. 80-06898
2. 47-039-01849-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lewis Holding Co 7-1160
6.
7. Kanawha, WV
8. 4.1 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-06899
2. 47-039-01863-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lewis Holding Co 8-1161
6.
7. Kanawha WV
8. 2.4 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-06900
2. 47-039-01864-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lewis Holding Co 9-1161
6.
7. Kanawha WV
8. 5.2 million cubic feet
9. November 20, 1979
10. Cabot Corporation
- U.S. Geological Survey, Metairie, La.
1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-06789/G9-818
2. 17-706-40326-0000-1
3. 102 000 000
4. Aminoil Development Inc
5. OCS-G 2089 No A-3
6. Vermillion
7. 325
8. 1825.0 million cubic feet
9. November 20, 1979
10. Transcontinental Gas Pipe Line Corp
1. 80-06790/G9-800
2. 17-708-40362-0000-0
3. 102 000 000
4. Shell Oil Company
5. A-9
6. South Marsh Island
7. 132
8. .0 million cubic feet
9. November 20, 1979
10. Transcontinental Gas Pipe Line Comp
1. 80-06791/G9-756
2. 17-701-40046-00D2-0
3. 102 000 000
4. Mobil Oil Explo & Producing SE Inc
5. West Cameron Block 352 A-10C
6. West Cameron
7. 352
8. 2307.0 million cubic feet
9. November 20, 1979
10. Northern Natural Gas Company
1. 80-06792/G9-755
2. 17-701-40046-00D1-0
3. 102 000 000
4. Mobil Oil Explo & Producing SE Inc
5. West Cameron Block 352 A-10A
6. West Cameron
7. 352
8. 3189.0 million cubic feet
9. November 20, 1979
10. Northern Natural Gas Company
1. 80-06793/G9-753
2. 17-701-40039-00S1-0
3. 102 000 000
4. Mobil Oil Explo & Producing SE Inc
5. West Cameron Block 352A-8A
6. West Cameron
7. 352
8. 1970.0 million cubic feet
9. November 20, 1979
10. Northern Natural Gas Company
1. 80-06794/G9-825
2. 17-708-40328-0000-2
3. 102 000 000
4. Aminoil Development Inc
5. OCS-G-2089 No A-3A
6. Vermillion
7. 325
8. 1825.0 million cubic feet
9. November 20, 1979
10. Transcontinental Gas P/L Corporation
1. 80-06795/G9-777
2. 17-721-40159-0100-0
3. 102 000 000
4. Shell Oil Company
5. OCS 0694 No 184
6. South Pass
7. 28
8. 328.0 million cubic feet
9. November 20, 1979
10. Tennessee Gas Pipeline Co
1. 80-06796/G9-752
2. 17-701-40032-00S1-0
3. 102 000 000
4. Mobil Oil Explo & Producing SE Inc
5. West Cameron Block 352 A-4A
6. West Cameron
7. 352
8. 2836.0 million cubic feet
9. November 20, 1979
10. Northern National Gas Company
1. 80-06797/G9-460
2. 17-711-40356-0100-1
3. 102 000 000
4. Kerr-McGee Corporation
5. OCS-0335 #18
6. Ship Shoal
7. 32
8. 1.1 million cubic feet
9. November 20, 1979
10. Transcontinental Gas P/L Corp
1. 80-06798/G9-461
2. 17-711-40356-0100-2

3. 102 000 000
4. Kerr-McGee Corporation
5. OCS-0335 #18-D
6. Ship Shoal
7. 32
8. 1.9 million cubic feet
9. November 20, 1979
10. Transcontinental Gas P/L Corp
1. 80-06799/G9-754
2. 17-701-40045-00S1-0
3. 102 000 000
4. Mobil Oil Expro & Producing SE Inc
5. West Cameron Block 352 A-9A
6. West Cameron
7. 352
8. 200.0 million cubic feet
9. November 20, 1979
10. Northern Natural Gas Company
1. 80-06800/G9-774
2. 17-706-40293-00S1-0
3. 102 000 000
4. Exxon Corporation
5. OCS-G 1955 No A-16
6. Vermilion
7. 265
8. 700.0 million cubic feet
9. November 20, 1979
10. Texas Eastern Trans Corp
1. 80-06801/G9-829
2. 17-711-40019-01S1-0
3. 102 000 000
4. Placid Oil Company
5. B-18
6. Ship Shoal
7. 204
8. 365.0 million cubic feet
9. November 20, 1979
10. Michigan Wisconsin Pipe Line Company
1. 80-06802/G9-770
2. 17-706-40334-0000-0
3. 102 000 000
4. Aminoil Development Inc
5. OCS-G-2089 No A-5A
6. Vermilion
7. 325
8. 1825.0 million cubic feet
9. November 20, 1979
10. Transcontinental Gas P/L Corp,
Huntington Alloys Inc., Libby-Owens Ford
Co, Owens-Illinois Co
1. 80-06805/G8-70
2. 17-700-40190-0000-0
3. 102 000 000 Denied
4. Texas Gas Exploration Corporation
5. Union Oil Co #A-1
6. West Cameron
7. 237
8. 1300.0 million cubic feet
9. November 20, 1979
10. Texas Gas Transmission Corporation,
Huntington Alloys Inc, Libby-Owens Ford
Co, Owens-Illinois Co

U.S. Geological Survey, Metairie, La.

1. Control Number (F.E.R.C./State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-06728/G8-76

2. 42-711-40257-0000-0
3. 102 000 000
4. Texas Gas Exploration Corp
5. Union Oil Co #A-11
6. High Island Ea Se
7. A-334
8. 180.0 million cubic feet
9. November 20, 1979
10. Texas Gas Transmission Corp
1. 80-06729/G9-817
2. 42-711-40414-00S1-0
3. 102 000 000
4. Exxon Corporation
5. OCS-G 3488 No A-1
6. High Island
7. Parish TX
8. 3000.0 million cubic feet
9. November 20, 1979
10. Columbia Gas Trans Corp
1. 80-06730/G8-75
2. 42-711-40229-0000-0
3. 102 000 000
4. Texas Gas Exploration Corp
5. Union Oil Co #A-7
6. High Island Ea Se
7. A-334
8. 3.0 million cubic feet
9. November 20, 1979
10. Texas Gas Trans Corp El Paso Natural
Gas Co Michigan-Wisconsin Pipeline Co
1. 80-06803/G9-813
2. 42-709-40384-0000-0
3. 102 000 000
4. Gulf Oil Corporation
5. High Is A-517 OCS 3481 #A-2
6. High Island
7. A-517
8. 5475.0 million cubic feet
9. November 20, 1979
10. Huntington Alloys Inc Libby-Owens Ford
Co Owens-Illinois Co
1. 80-06804/G9-814
2. 42-709-40394-0000-0
3. 102 000 000
4. Gulf Oil Corporation
5. High Is A-517 OCS-3481 #A-3
6. High Island
7. A-517
8. 5475.0 million cubic feet
9. November 20, 1979
10. Huntington Alloys Inc Libby-Owens Ford
Co Owens-Illinois Co

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

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the commission on or before January 4, 1980.

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

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-33022 Filed 12-19-79; 8:45 am]
BILLING CODE 6450-01-M

[No. 126]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

December 10, 1979.

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

Louisiana Office of Conservation

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-07286/79-2691
2. 17-111-02377-0000
3. 108 000 000
4. Ashland Exploration Inc
5. M H Trimble No. 1
6. Monroe
7. Union LA
8. 3.0 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07287/79-2690
2. 17-111-00000-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Frost Lumber Ind Primos No 2
6. Monroe
7. Union LA
8. 7.0 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07288/79-2689
2. 17-111-01412-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Frost Lumber Ind Primos No 1
6. Monroe
7. Union LA
8. 8.9 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07289/79-2688
2. 17-111-01241-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Katy C Smith No. 1
6. Monroe
7. Union LA
8. 4.2 million cubic feet
9. November 21, 1979

10. Southern Natural Gas Company
 1. 80-07290/79-2687
 2. 17-111-01013-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Pat & John Reardon No. 2
 6. Monroe
 7. Union LA
 8. 11.3 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07291/79-2696
 2. 17-111-01374-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Frost Lumber Ind No. D 13
 6. Monroe
 7. Union LA
 8. 8.4 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07292/79-2695
 2. 17-111-02031-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No. 1
 6. Monroe
 7. Union LA
 8. 15.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07293/79-2694
 2. 17-111-01377-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Frost Lumber Ind No. D 12
 6. Monroe
 7. Union LA
 8. 11.5 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07294/79-2693
 2. 17-111-01378-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Frost Lumber Ind No. D 11
 6. Monroe
 7. Union LA
 8. 7.5 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07295/79-2692
 2. 17-111-01268-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Frost Lumber Ind No. E 3
 6. Monroe
 7. Union LA
 8. 5.9 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07296/79-2700
 2. 17-111-01799-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. O B Steele #1
 6. Monroe
 7. Union LA
 8. 3.4 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07297/79-2699
 2. 17-111-02026-0000
 3. 108 000 000

4. Ashland Exploration Inc
 5. Lon Nolan 7
 6. Monroe
 7. Union LA
 8. 12.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07298/79-2698
 2. 17-111-02325-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Lon Nolan 6
 6. Monroe
 7. Union LA
 8. 15.5 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07299/79-2697
 2. 17-111-02324-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Lon Nolan 5
 6. Monroe
 7. Union LA
 8. 11.7 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07300/79-2703
 2. 17-111-02161-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. C F Dumas No. 1
 6. Monroe
 7. Union LA
 8. 5.4 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07301/79-2702
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. T H Freeman No. 1
 6. Monroe
 7. Union LA
 8. 10.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07302/79-2701
 2. 17-111-02159-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. J W Sawyer #1
 6. Monroe
 7. Union LA
 8. 1.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07303/79-2709
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Frost Lumber Ind F 6
 6. Monroe
 7. Union LA
 8. 12.5 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07304/79-2708
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Frost Lumber Ind No. F5
 6. Monroe
 7. Union LA
 8. 10.7 million cubic feet

9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07305/79-2707
 2. 17-111-02300-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Lon Nolan 1
 6. Monroe
 7. Union LA
 8. 7.4 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07306/79-2708
 2. 17-111-02284-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. B M Ramsey 3
 6. Monroe
 7. Union LA
 8. 18.2 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07307/79-2705
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. B M Ramsey 1
 6. Monroe
 7. Union LA
 8. 10.2 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07308/79-2704
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. G H Holloway-Smith 1
 6. Monroe
 7. Union LA
 8. 3.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07309/79-2717
 2. 17-111-01147-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Eva S Dean 1 No. 3
 6. Monroe
 7. Union LA
 8. 7.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07310/79-2713
 2. 17-111-02283-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. B M Ramsey 2
 6. Monroe
 7. Union LA
 8. 9.9 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07311/79-2712
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Lon Nolan 4
 6. Monroe
 7. Union LA
 8. .3 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07312/79-2711
 2. 17-111-01014-0000

3. 108 000 000
4. Ashland Exploration Inc
5. J A Hollistaunton No 2
6. Monroe
7. Union LA
8. 11.3 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07313/79-2720
2. 17-111-02007-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Union Producing Co No B 18
6. Monroe
7. Union LA
8. 11.2 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07314/79-2719
2. 17-111-01507-0000
3. 108 000 000
4. Ashland Exploration Inc
5. J A Cook No 1
6. Monroe
7. Union LA
8. 8.1 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07315/79-2718
2. 17-111-01148-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Eva S Dean 1 No 4
6. Monroe
7. Union LA
8. 12.2 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07316/79-2725
2. 17-111-00000-0000
3. 108 000 000
4. Ashland Exploration Inc
5. W C Beasley No 1
6. Monroe
7. Union LA
8. 7.1 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07317/79-2724
2. 17-111-01099-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Olin Industries 8
6. Monroe
7. Union LA
8. 9.3 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07318/79-2723
2. 17-111-01080-0000
3. 108 000 000
4. Ashland Exploration Inc
5. J A Hollis No 3
6. Monroe
7. Union LA
8. 9.4 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07319/79-2722
2. 17-111-01398-0000
3. 108 000 000
4. Ashland Exploration Inc
5. J S Handy No 2
6. Monroe
7. Union LA
8. 12.4 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07320/79-2721
2. 17-111-00000-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Union Producing Co No B 1 19
6. Monroe
7. Union LA
8. 6.0 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07321/79-2728
2. 17-111-01391-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Carbons Consolidated JCE No 9
6. Monroe
7. Morehouse, LA
8. 9.9 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07322/79-2727
2. 17-111-00587-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Carbons Consolidated JCE No 8
6. Monroe
7. Morehouse, LA
8. 10.3 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07323/79-2726
2. 17-111-01207-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Haile-Brown No 1
6. Monroe
7. Union LA
8. 6.4 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07324/79-2731
2. 17-111-00000-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Mary Wheeler No 1
6. Monroe
7. Union LA
8. 7.3 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07325/79-2730
2. 17-111-00420-0000
3. 108 000 000
4. Ashland Exploration Inc
5. G A McCormick 1
6. Monroe
7. Union LA
8. 7.2 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07326/79-2729
2. 17-111-00000-0000
3. 108 000 000
4. Ashland Exploration Inc
5. F & I Haile No 1
6. Monroe
7. Union LA
8. 7.6 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07327/79-2735
2. 17-111-01078-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Olin Industries 12
6. Monroe
7. Union LA
8. 7.1 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07328/79-2734
2. 17-111-01008-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Olin Industries 11
6. Monroe
7. Union LA
8. 15.5 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07329/79-2733
2. 17-111-01009-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Olin Industries
6. Monroe
7. Union LA
8. 11.7 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07330/79-2732
2. 17-111-01079-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Olin Industries #9
6. Monroe
7. Union LA
8. 12.7 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07331/79-2739
2. 17-111-00000-0000
3. 108 000 000
4. Ashland Exploration Inc
5. J A Peak 3 0215493
6. Monroe
7. Union LA
8. 3.9 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07332/79-2738
2. 17-111-01787-0000
3. 108 000 000
4. Ashland Exploration Inc
5. J A Peak 2
6. Monroe
7. Union LA
8. 5.0 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07333/79-2737
2. 17-111-01788-0000
3. 108 000 000
4. Ashland Exploration Inc
5. J A Peak L&P 1
6. Monroe
7. Union LA
8. 5.2 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07334/79-2736
2. 17-111-01940-0000
3. 108 000 000
4. Ashland Exploration Inc
5. O B Clark Et Al No 1
6. Monroe

7. Union LA
 8. 9.6 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07335/79-2741
 2. 17-111-00443-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Marion Investment Corp 1
 6. Monroe
 7. Union LA
 8. 10.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07336/79-2740
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. J A Peak 4
 6. Monroe
 7. Union LA
 8. 8.2 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07337/79-2742
 2. 17-111-01980-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. W C Feazel-Digby No 1
 6. Monroe
 7. Union LA
 8. 4.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07338/79-2744
 2. 17-111-02004-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No B 14
 6. Monroe
 7. Union LA
 8. 19.2 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07339/79-2743
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No B 13
 6. Monroe
 7. Union LA
 8. 11.3 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07340/79-2745
 2. 17-111-02009-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No B 15
 6. Monroe
 7. Union LA
 8. 14.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07341/79-2746
 2. 17-111-02005-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Union Producing Co. No. B 16
 6. Monroe
 7. Union, LA
 8. 9.6 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07342/79-2747

2. 17-111-02008-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Union Producing Co. No. B 17
 6. Monroe
 7. Union, LA
 8. 12.0 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07343/79-2748
 2. 17-111-01141-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Eva's Dean No. 1
 6. Monroe
 7. Union, LA
 8. 14.4 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07344/79-2764
 2. 17-111-01463-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Union Power Co. No. C 21
 6. Monroe
 7. Union, LA
 8. 8.4 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07345/79-2763
 2. 17-111-00563-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Frost Lumber Ind. No. 24
 6. Monroe
 7. Union, LA
 8. 3.3 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07346/79-2762
 2. 17-111-01227-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. W. C. Martin 2
 6. Monroe
 7. Union, LA
 8. 4.7 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07347/79-2761
 2. 17-111-00564-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Frost Lumber Ind. No. 23
 6. Monroe
 7. Union, LA
 8. 6.4 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07348/79-2760
 2. 17-111-00361-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Frost Lumber Ind. No. 22
 6. Monroe
 7. Union, LA
 8. 6.7 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07349/79-2759
 2. 17-111-00557-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Rosa L. B. McKinnie 2
 6. Monroe

7. Union, LA
 8. 4.0 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07350/79-2758
 2. 17-111-00558-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Rosa L. B. McKinnie 1
 6. Monroe
 7. Union, LA
 8. 10.3 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07351/79-2757
 2. 17-111-01232-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Union Producing Co. No. C 20
 6. Monroe
 7. Union, LA
 8. 7.3 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07352/79-2756
 2. 17-111-0000-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Union Producing Co. No. C 17
 6. Monroe
 7. Union, LA
 8. 6.7 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07353/79-2755
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Union Producing Co. No. C 16
 6. Monroe
 7. Union, LA
 8. 10.7 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07354/79-2754
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Union Producing Co. No. C 15
 6. Monroe
 7. Union, LA
 8. 11.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07355/79-2753
 2. 17-111-00527-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. W. B. McKinnie 2
 6. Monroe
 7. Union, LA
 8. 6.2 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07356/79-2752
 2. 17-111-00998-0000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. J. W. Hollis No. 5 080283
 6. Monroe
 7. Union, LA
 8. 7.3 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07357/79-2751

2. 17-111-00998-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. J. W. Hollis No. 4
6. Monroe
7. Union, LA
8. 6.7 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07358/79-2750
2. 17-111-01884-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. N. R. Nolan 4
6. Monroe
7. Union, LA
8. 10.7 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07359/79-2749
2. 17-111-00000-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. Eva's Dean No. 2
6. Monroe
7. Union, LA
8. 10.3 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07436/79-2798
2. 17-111-00000-0000
3. 108 000 000
4. Pennzoil Producing Company
5. Morgan No. 1
6. Monroe
7. Union, LA
8. 4.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Company
1. 80-07437/79-2797
2. 17-111-00000-0000
3. 108 000 000
4. Pennzoil Producing Company
5. Simpson No. 1
6. Monroe
7. Union, LA
8. 15.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Company
1. 80-07438/79-2798
2. 17-111-20092-0000
3. 108 000 000
4. Pennzoil Producing Company
5. Harris No. 2
6. Monroe
7. Union, LA
8. 19.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Company
1. 80-07439/79-2795
2. 17-111-02110-0000
3. 108 000 000
4. Pennzoil Producing Company
5. Harris No. 1
6. Monroe
7. Union, LA
8. 14.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Company
1. 80-07440/79-2794
2. 17-111-00000-0000
3. 108 000 000
4. Pennzoil Producing Company
5. Zabolio No. 1
6. Monroe
7. Ouachita, LA
8. 5.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Company
1. 80-07441/79-2793
2. 17-111-21190-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. Union Producing Co. No. B 20
6. Monroe
7. Union, LA
8. 17.8 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07442/79-2792
2. 17-111-21138-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. Union Producing Co. No. B 25
6. Monroe
7. Union, LA
8. 4.4 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07443/79-2781
2. 17-111-01385-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. Carbons Consolidated No. 14
6. Monroe
7. Union, LA
8. 4.4 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07444/79-2780
2. 17-111-00528-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. Union Producing Co. No. C 24
6. Monroe
7. Union, LA
8. 9.0 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07445/79-2779
2. 17-111-01229-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. Union Producing Co. No. C 23
6. Monroe
7. Union, LA
8. 6.5 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07446/79-2778
2. 17-111-00313-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. Mollie T. Pardue 2
6. Monroe
7. Union, LA
8. 3.2 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07447/79-2777
2. 17-111-00312-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. Mollie T. Pardue #1
6. Monroe
7. Union La
8. 3.6 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07448/79-2776
2. 17-111-00431-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. Mary E Lee 1
6. Monroe
7. Union La
8. 3.0 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07449/79-2775
2. 17-111-01570-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. K D Lankford 1
6. Monroe
7. Union La
8. 9.0 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07450/79-2774
2. 17-111-01571-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. F M Potts 1
6. Monroe
7. Union La
8. 6.3 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07451/79-2773
2. 17-111-01575-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. Elizabeth Nichols 5
6. Monroe
7. Union La
8. 12.3 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07452/79-2772
2. 17-111-01010-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. J W Hollis No 6
6. Monroe
7. Union La
8. 11.8 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07453/79-2771
2. 17-111-00000-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. Frost Lumber Ind No D 14
6. Monroe
7. Union La
8. 7.5 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07454/79-2768
2. 17-119-20201-0000
3. 102 000 000
4. Sandefer & Andress Inc
5. W D Martin #1
6. Cotton Valley Gray Ra Sand Un C
7. Webster La
8. 350.0 million cubic feet
9. November 21, 1979
10. Arkansas Louisiana Gas Company
1. 80-07455/79-2682
2. 17-111-00000-0000
3. 108 000 000
4. Ashland Exploration Inc.
5. Union Producing Co No C 12
6. Monroe

7. Union La
 8. 7.5 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07456/79-2683
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No C 13
 6. Monroe
 7. Union La
 8. 5.5 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07457/79-2684
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No C 14
 6. Monroe
 7. Union La
 8. 6.3 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07458/79-2685
 2. 17-111-00530-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Primos Mckinnie 1
 6. Monroe
 7. Union La
 8. 3.3 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07459/79-2686
 2. 17-111-01397-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Pat & John Reardon #1
 6. Monroe
 7. Union La
 8. 7.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07460/79-2789
 2. 17-111-20942-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Power Co No C24
 6. Monroe
 7. Union La
 8. 12.7 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07461/79-2788
 2. 17-111-20943-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Pat & John Reardon #3
 6. Monroe
 7. Union La
 8. 8.2 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07462/79-2787
 2. 17-111-20170-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. W C Feazel No 9
 6. Monroe
 7. Union La
 8. 10.4 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07463/79-2786

2. 17-021-20409-0000
 3. 102 000 000
 4. Frank Spooner
 5. La Pacific J No 2
 6. Richland Creek
 7. Caldwell La
 8. 100.0 million cubic feet
 9. November 21, 1979
 10. United Gas Pipeline Co
 1. 80-07464/79-2785
 2. 17-127-20625-0000
 3. 102 000 000
 4. Frank Spooner
 5. La Pacific J No 1 (156675)
 6. Richland Creek
 7. Winn La
 8. 100.0 million cubic feet
 9. November 21, 1979
 10. United Gas Pipeline Co
 1. 80-07465/79-2784
 2. 17-111-00346-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Frost Lumber Ind No 25
 6. Monroe
 7. Union La
 8. 6.4 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07466/79-2783
 2. 17-111-01143-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Frost Lumber Ind No F 8
 6. Monroe
 7. Union La
 8. 8.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07467/79-2782
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Frost Lumber Ind Primos No 3
 6. Monroe
 7. Union La
 8. 6.9 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07468/79-2578
 2. 17-097-20500-0000
 3. 102 000 000
 4. Sevang Company Inc
 5. U Guillory Ra Sua T J Brown No 1
 6. Savoy
 7. St Landry La
 8. 500.0 million cubic feet
 9. November 21, 1979
 10. Texas Eastern Trans Corp
 1. 80-07469/79-2678
 2. 17-111-01365-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No C 8
 6. Monroe
 7. Union La
 8. 8.6 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07470/79-2679
 2. 17-111-01390-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No C 9
 6. Monroe

7. Union La
 8. 1.23 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07471/79-2680
 2. 17-111-01279-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No C 10
 6. Monroe
 7. Union La
 8. 14.5 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07472/79-2681
 2. 17-111-00000-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No C 11
 6. Monroe
 7. Union La
 8. 9.1 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07473/79-2635
 2. 17-107-00226-0000
 3. 108 000 000
 4. E L Larry
 5. M T Sud Aaron B Brown No 1
 6. Justina
 7. Tensas La
 8. .0 million cubic feet
 9. November 21, 1979
 10. Mid Louisiana Gas Co Ashland Oil
 1. 80-07474/79-2670
 2. 17-111-01597-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No B 8
 6. Monroe
 7. Union La
 8. 16.3 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07475/79-2671
 2. 17-111-01598-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No B 9
 6. Monroe
 7. Union La
 8. 7.1 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07476/79-2672
 2. 17-111-01568-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No B 10
 6. Monroe
 7. Union La
 8. 10.8 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07477/79-2673
 2. 17-111-01576-0000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Union Producing Co No. B 11
 6. Monroe
 7. Union LA
 8. 6.5 million cubic feet
 9. November 21, 1979
 10. Southern Natural Gas Company
 1. 80-07478/79-2674

2. 17-111-01898-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Union Producing Co No B 12
6. Monroe
7. Union LA
8. 20.1 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07479/79-2675
2. 17-111-01198-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Union Producing Co No C 5
6. Monroe
7. Union LA
8. 9.0 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07480/79-2676
2. 17-111-01199-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Union Producing Co No C 6
6. Monroe
7. Union LA
8. 6.4 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07481/79-2677
2. 17-111-01200-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Union Producing Co No C 7
6. Monroe
7. Union LA
8. 5.4 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07482/79-2766
2. 17-075-02745-0000
3. 108 000 000
4. Gulf Oil Corporation
5. J G Timolat B #33
6. West Bay
7. Plaquemines Parish LA
8. 20.0 million cubic feet
9. November 21, 1979
10. Texas Eastern Trans Corp United Gas Pipeline Co
1. 80-07483/79-2765
2. 17-111-01450-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Union Producing Co No C 22
6. Monroe
7. Union LA
8. 15.2 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07484/79-2813
2. 17-073-20885-0000
3. 108 000 000
4. Gas Transportation Corporation
5. Grant S #11
6. Monroe
7. Quachita, LA
8. 1.0 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems
1. 80-07485/79-2812
2. 17-073-20876-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grants S #8
6. Monroe
7. Quachita, LA
8. 1.7 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems
1. 80-07486/79-2808
2. 17-073-020851-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant S #1
6. Monroe
7. Quachita, LA
8. .0 million cubic feet
9. November 21, 1979
10. P & G Gathering
1. 80-07487/79-2809
2. 17-073-20852-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant S. #2
6. Monroe Gas Field
7. Quachita
8. .8 million cubic feet
9. November 21, 1979
10. P & G Gathering
1. 80-07488/79-2810
2. 17-073-20530-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant S #3
6. Monroe
7. Quachita, LA
8. .7 million cubic feet
9. November 21, 1979
10. P & G Gathering
1. 80-074879/79-2811
2. 17-073-20872-0000
3. 108 000 000
4. Gas Transportation Corporation
5. Grant S #5
6. Monroe
7. Quachita, LA
8. .7 million cubic feet
9. November 21, 1979
10. P & G Gathering
1. 80-07490/79-2806
2. 17-073-21163-0000
3. 103 000 000
4. Lock Arbor Production Co
5. Smith Et Al #10
6. Monroe
7. Quachita, LA
8. 10.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Co
1. 80-07491/79-2807
2. 17-073-21145-0000
3. 103 000 000
4. Lock Arbor Production Co
5. Smith Et Al #8
6. Monroe
7. Quachita, LA
8. 10.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Co
1. 80-07492/79-2804
2. 17-015-20345-0000
3. 108 000 000
4. Par Oil Corporation
5. Skannal No. 2
6. Sligo
7. Bossier Parish, LA
8. 15.4 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Co
1. 80-07493/79-2803
2. 17-015-20334-0000
3. 108 000 000
4. PAR Oil Corporation
5. Skannal No. 1
6. Sligo
7. Bossier, LA
8. 15.4 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Co
1. 80-07494/79-2802
2. 17-097-20485-0000
3. 102 000 000
4. Sevarg Company Inc.
5. Chick 3 RB SUA Manuel Farms, Inc., No. 2
6. Savoy
7. St. Landry, LA
8. 185.0 million cubic feet
9. November 21, 1979
10. Texas Gas Trans Corp
1. 80-07495/79-2801
2. 17-111-00000-0000
3. 108 000 000
4. Pennzoil Producing Company
5. Jordan M A No. 1
6. Monroe
7. Union, LA
8. 5.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Company
1. 80-07496/79-2800
2. 17-067-00476-0000
3. 108 000 000
4. Pennzoil Producing Company
5. Harrell VU A Crossett No. 75
6. Monroe
7. Morehouse, LA
8. 16.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Company
1. 80-07497/79-2799
2. 17-111-00000-0000
3. 108 000 000
4. Pennzoil Producing Company
5. Wheeler MD NO. 1
6. Monroe
7. Union LA
8. 5.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Company
1. 80-07498/79-2791
2. 17-111-21078-0000
3. 108 000 000
4. Ashland Exploration Inc
5. G A McCormick #2
6. Monroe
7. Union LA
8. 20.0 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07499/79-2790
2. 17-111-21015-0000
3. 108 000 000
4. Ashland Exploration Inc
5. Union Producing Co No C 5
6. Monroe
7. Union LA
8. 6.0 million cubic feet
9. November 21, 1979
10. Southern Natural Gas Company
1. 80-07500/79-2832
2. 17-119-20221-0000
3. 103 000 000
4. Marathon Oil Company
5. CVSU MOC Gray No. 2

6. Cotton Valley
7. Webster, LA
8. 1095.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Company

1. 80-07501/79-2831
2. 17-119-20224-0000
3. 103 000 000
4. Marathon Oil Company
5. CVSU MOC Gray No. 1

6. Cotton Valley
7. Webster, LA
8. 730.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Company

1. 80-07502/79-2830
2. 17-047-20503-0000
3. 103 000 000
4. Shell Oil Company
5. WC MW RA SU Wilbert No 246

6. White Castle
7. Iberville, LA
8. .0 million cubic feet
9. November 21, 1979
10. Monterey Pipeline Co

1. 80-07503/79-2829
2. 17-045-20598-0000
3. 103 000 000
4. Continental Oil Company
5. B SUA R H Goodrich No. 2

6. Bayou Long
7. Iberia, LA
8. 540.0 million cubic feet
9. November 21, 1979
10. Monterey Pipeline Company

1. 80-07504/79-2828
2. 17-073-20901-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant S #24

6. Monroe
7. Ouachita, LA
8. .1 million cubic feet
9. November 21, 1979
10. P & G Gathering

1. 80-07505/79-2827
2. 17-073-20900-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant S #23

6. Monroe Gas Field
7. Ouachita, LA
8. .4 million cubic feet
9. November 21, 1979
10. P & G Gathering

1. 80-07506/79-2826
2. 17-073-20887-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant S #22

6. Monroe
7. Ouachita, LA
8. .3 million cubic feet
9. November 21, 1979
10. P & G Gathering

1. 80-07507/79-2825
2. 17-073-20882-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant S #21

6. Monroe
7. Ouachita LA
8. .3 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems

1. 80-07508/79-2824
2. 17-073-20899-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant S #20

6. Monroe
7. Ouachita LA
8. .4 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems

1. 80-07509/79-2823
2. 17-073-20880-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant S #14

6. Monroe
7. Ouachita LA
8. .9 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems

1. 80-07510/79-2822
2. 17-073-20879-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant S #13

6. Monroe
7. Ouachita LA
8. .9 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems

1. 80-07511/79-2811
2. 17-073-20903-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant Benson #1

6. Monroe
7. Ouachita LA
8. .4 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems

1. 80-07512/79-2819
2. 17-073-20849-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant D #29

6. Monroe Gas Field
7. Ouachita LA
8. .7 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems

1. 80-07513/79-2820
2. 17-073-20850-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant D #30

6. Monroe
7. Ouachita LA
8. 1.4 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems

1. 80-07514/79-2818
2. 17-073-20816-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant D #28

6. Monroe Gas Field
7. Ouachita LA
8. .9 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems

1. 80-07515/79-2817
2. 17-073-20815-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant D #27

6. Monroe Gas Field
7. Ouachita LA
8. .5 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems

1. 80-07516/79-2815
2. 17-073-20902-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant S #25

6. Monroe
7. Ouachita LA
8. .2 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems

1. 80-07517/79-2814
2. 17-073-20877-0000
3. 108 000 000
4. Gas Transportation Corp
5. Grant S #12

6. Monroe
7. Ouachita LA
8. 1.0 million cubic feet
9. November 21, 1979
10. P & G Gathering Systems

1. 80-07518/79-2714
2. 17-001-20761-0000
3. 102 000 000
4. Solatex Petroleum Co Ltd
5. Thelma M Laurents No 1

6. W Midland
7. Acadia LA
8. 700.0 million cubic feet
9. November 21, 1979
10. Continental Oil Co

Montana Board of Oil and Gas Conservation

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

1. 80-07364/9-79-269
2. 25-101-21604-0000
3. 102 103 000
4. Branch Oil & Gas
5. ST 4-36 Sec 36 T-34N R-3W

6. Southwest Kevin
7. Toole MT
8. 16.9 million cubic feet
9. November 21, 1979
10. Aloe Ventures Gath System

1. 80-07365/9-79-271
2. 25-101-21778-0000
3. 102 103 000
4. Branch Oil & Gas
5. ST 8-35 Sec 35 T-34N R-3W

6. Southwest Kevin
7. Toole MT
8. 47.3 million cubic feet
9. November 21, 1979
10. Aloe Ventures Gath System

1. 80-07366/9-79-270
2. 25-101-21606-0000
3. 102 103 000
4. Branch Oil & Gas
5. Lewis 10-25 Sec 25 T-34N R-3W

6. Southwest Kevin
7. Toole MT
8. 29.9 million cubic feet

9. November 21, 1979
10. Aloe Ventures Gath System
- New York Department of Environmental Conservation, Bureau of Mineral Resources.**
1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator of NGPA
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-07201/754
2. 31-013-13201-0000
3. 102 000 000
4. Envirogas Inc
5. Seblink No. 3
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07202/744
2. 31-013-13887-0000
3. 102 000 000
4. Envirogas Inc
5. A Jones No. 1
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07203/764
2. 31-013-14316-0000
3. 103 000 000
4. Envirogas Inc
5. W Pennell No. 2
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07204/763
2. 31-013-14300-0000
3. 103 000 000
4. Envirogas Inc
5. A Nixon No. 2
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07205/762
2. 31-013-14315-0000
3. 103 000 000
4. Envirogas Inc
5. W Pennell No. 1
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07206/761
2. 31-013-14361-0000
3. 103 000 000
4. Envirogas Inc
5. P Waters No. 1
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07207/760
2. 31-013-14362-0000
3. 103 000 000
4. Envirogas Inc
5. D Babo No. 1
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07208/759
2. 31-013-14180-0000
3. 102 000 000
4. Envirogas Inc
5. Susan Lane No. 1
6. Panama
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07209/758
2. 31-013-13977-0000
3. 102 000 000
4. Envirogas Inc
5. V McConnon No. 1
6. Panama
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07210/757
2. 31-013-13978-0000
3. 102 000 000
4. Envirogas Inc
5. W J Sherman No. 1
6. Panama
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07211/751
2. 31-013-14290-0000
3. 103 000 000
4. Envirogas Inc
5. D Darling No. 1
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07212/749
2. 31-013-14251-0000
3. 103 000 000
4. Envirogas Inc
5. James Kelso No. 2
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07213/773
2. 31-037-13570-0000
3. 103 000 000
4. Lenape Resources Corp
5. Richard Mills No. 1
6. Uhley Corners
7. Genesee, NY
8. 458.0 million cubic feet
9. November 21, 1979
10. Elizabethtown Gas Company
1. 80-07214/774
2. 31-121-13581-0000
3. 103 000 000
4. Lenape Resources Corp
5. Allen Wallace No. 1
6. Leicester
7. Wyoming, NY
8. 241.0 million cubic feet
9. November 21, 1979
10. Elizabethtown Gas Company
1. 80-07215/775
2. 31-121-13558-0000
3. 103 000 000
4. Lenape Resources Corp
5. Milligan No. 1
6. Leicester
7. Wyoming, NY
8. 864.0 million cubic feet
9. November 21, 1979
10. Elizabethtown Gas Company
1. 80-07216/776
2. 31-121-13567-0000
3. 103 000 000
4. Lenape Resources Corporation
5. Everett Hunn No. 1
6. Leicester
7. Wyoming, NY
8. 171.0 million cubic feet
9. November 21, 1979
10. Elizabethtown Gas Company
1. 80-07217/778
2. 31-013-14368-0000
3. 103 000 000
4. Envirogas Inc
5. William Burgess No. 1
6. Lakeshore
7. Chautauqua, NY
8. 18.0 million cubic feet
9. November 21, 1979
10. National Fuel Gas Supply Corp
1. 80-07218/765
2. 31-013-14178-0000
3. 102 000 000
4. Trahan Petroleum Inc
5. George Peterson—Croner No. 4 31-013
6. Panama
7. Chant, NY
8. 36.0 million cubic feet
9. November 21, 1979
10. Columbia Gas Trans Corp
1. 80-07219/777
2. 31-051-13828-0000
3. 102 000 000
4. Lenape Resources Corporation
5. Wadsworth No. 1
6. Wildcat
7. Livingston, NY
8. 458.0 million cubic feet
9. November 21, 1979
10. Elizabethtown Gas Company
1. 80-07220/753
2. 31-029-14268-0000
3. 102 000 000
4. SCG Gas Quest Inc
5. Kasinski No. 1
6. Eden-Evans
7. Erie, NY
8. 36.5 million cubic feet
9. November 21, 1979
10. Tenn Gas Pipeline Co Southern Connecticut Gas Co
1. 80-07221/756
2. 31-013-12530-0000
3. 102 000 000
4. Trahan Petroleum Inc
5. Miktuk—N Y 63 31-013-12530
6. Panama
7. Chautauqua, NY
8. 36.0 million cubic feet
9. November 21, 1979

10. Columbia Gas Trans Corp
 1. 80-07222/88
 2. 31-003-05510-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Clair No. 1
 6. Richburg Field (Oriskany Pool)
 7. Allegany, NY
 8. 8.0 million cubic feet
 9. November 21, 1979
 10. National Fuel Gas Supply Corp
 1. 80-07223/87
 2. 31-009-13198-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 022
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07224/88
 2. 31-009-13197-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 021
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07225/89
 2. 31-009-13195-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 019
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07226/90
 2. 31-009-13194-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 018
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07227/91
 2. 31-009-13191-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 015
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07228/92
 2. 31-009-13190-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 013
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07229/93
 2. 31-009-13189-0000
 3. 108 000 000

4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 012
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07230/94
 2. 31-009-13199-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 011
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07231/95
 2. 31-009-13148-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 07
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07232/96
 2. 31-009-13147-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 06
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07233/97
 2. 31-009-13146-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 05
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07234/98
 2. 31-009-13145-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 04
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07235/99
 2. 31-009-13144-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 03
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07236/100
 2. 31-009-13143-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 02
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet

9. November 21, 1979
 10. Pennzoil Producing Company
 1. 80-07237/101
 2. 31-009-13142-0000
 3. 108 000 000
 4. Quaker State Oil Refining Corp
 5. Sue Lease Well No. 01
 6. Bradford Field
 7. Cattaraugus Co, NY
 8. .5 million cubic feet
 9. November 21, 1979
 10. Pennzoil Producing Company

U.S. Geological Survey, Motairio, La.

1. Control number (F.E.R.C./State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 80-07360/G9-876
 2. 17-701-40061-0000-0
 3. 102 000 000
 4. Getty Oil Company
 5. West Cameron 437 A-10
 6. West Cameron
 7. 437
 8. 1200.0 million cubic feet
 9. November 21, 1979
 10. Natural Gas P/L Co of America
 1. 80-07361/G9-844
 2. 17-700-40288-0000-0
 3. 102 000 000
 4. Chevron USA Inc
 5. OCS-G-1971 No. 8
 6. West Cameron
 7. 181
 8. 1862.0 million cubic feet
 9. November 21, 1979
 10. Natural Gas Pipeline Co
 1. 80-07363/G9-846
 2. 17-721-40160-0000-0
 3. 102 000 000
 4. Shell Oil Company
 5. OCS 0694 No. 186
 6. South Pass
 7. 28
 8. 100.0 million cubic feet
 9. November 21, 1979
 10. Tennessee Gas Pipeline Co
 1. Control number (F.E.R.C./State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 80-07362/G9-868
 2. 42-711-40390-00S1-0
 3. 102 000 000
 4. Marathon Oil Company
 5. OCS-G 2403 No. A-14
 6. High Island East Add South Ext
 7. A-279
 8. 2400.0 million cubic feet
 9. November 21, 1979
 10. United Gas Pipe Line Company Michigan-Wisconsin Pipeline Co

1. 80-07367/G9-870
2. 42-711-40351-00S1-0
3. 102 000 000
4. Marathon Oil Company
5. OCS-G 2403 No. A-10
6. High Island East Add S Ext
7. A-279
8. 1860.0 million cubic feet
9. November 21, 1979
10. United Gas Pipe Line Company Michigan-Wisconsin Pipeline Co

U.S. Geological Survey, Albuquerque, N. Mex.

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

1. 80-07270/COA-4049-79
2. 05-067-05149-0000-0
3. 108 000 000
4. Supron Energy Corporation
5. UTE No 6-A
6. Ignacio Blanco Mesaverde
7. La Plata Co
8. 4.2 million cubic feet
9. November 21, 1979
10. Peoples Natural Gas

1. 80-07385/COA-4048-79
2. 05-067-05042-0000-0
3. 108 000 000
4. Supron Energy Corporation
5. UTE No 6
6. Iganacio Blanco Dakota & Mesaverde
7. La Plata Co
8. 8.8 million cubic feet
9. November 21, 1979
10. Peoples Natural Gas

1. 80-07434/COA-2606-79
2. 05-067-005572-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern UTE Bloc 5 No 4-32
6. Ignacio-Blanco
7. La Plata County Co
8. 6.1 million cubic feet
9. November 21, 1979
10. Western Slope Gas Co

1. 80-07238/NM-207-79
2. 30-045-11851-0000-0
3. 108 000 000
4. Supron Energy Corporation
5. Hodges No 10
6. Basin Dakota
7. San Juan NM
8. .0 million cubic feet
9. November 21, 1979
10. El Paso National Gas Company

1. 80-07239/NM-223-79
2. 30-045-00000-0000-0
3. 108 000 000
4. Supron Energy Corporation
5. Nickson No 14
6. Basin Dakota
7. San Juan NM
8. .0 million cubic feet
9. November 21, 1979
10. El Paso National Gas Company

1. 80-07240/NM-405-79

2. 30-045-09072-0000-0
3. 108 000 000
4. Orville Slaughter
5. Sangre De Cristo Well No 1
6. Oswell Pool Well No 1 2D-34-30N-11W
7. San Juan County NM
8. 3.6 million cubic feet
9. November 21, 1979
10. El Paso National Gas Company

1. 80-07241/NM-406-79
2. 30-045-20881-0000-0
3. 108 000 000
4. Orville Slaughter
5. Sangre De Cristo Well No 2
6. Oswell Pool Well No 2 2D-34-30N-11W
7. San Juan County NM
8. 5.5 million cubic feet
9. November 21, 1979
10. El Paso National Gas Company

1. 80-07242/NM-2694-79
2. 30-045-00000-0000-0
3. 108 000 000
4. Huskey Oil Company
5. Schwerdtfeger No 13
6. West Kutz Pictured Cliffs
7. San Juan NM
8. 1.2 million cubic feet
9. November 21, 1979
10. El Paso National Gas Company

1. 80-07243/NM-2706-79
2. 30-045-00000-0000-0
3. 108 000 000
4. Husky Oil Company
5. Government Evensen 3G
6. Angels Peak Gallup
7. San Juan NM
8. 2.0 million cubic feet
9. November 21, 1979
10. El Paso National Gas Company

1. 80-07244/NM-3105-79
2. 30-043-20266-0000-0
3. 108 000 000
4. Chace Oil Company Inc
5. Rusty Navajo No 6
6. Rusty Chacra
7. Sandoval NM
8. 4.0 million cubic feet
9. November 21, 1979
10. El Paso National Gas Company

1. 80-07245/NM-2996-79
2. 30-039-25782-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache J No 28
6. Axi Apache Area
7. Rio Arriba NM
8. 135.0 million cubic feet
9. November 21, 1979
10. Gas Company of New Mexico

1. 80-07246/NM-3151-79
2. 30-015-22096-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Empire ABO Unit K183
6. Empire-ABO Pool
7. Eddy County NM
8. 63.0 million cubic feet
9. November 21, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 80-07247/NM-3152-79
2. 30-015-22559-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Empire ABO Unit K184

6. Empire-ABO pool
7. Eddy County NM
8. 27.0 million cubic feet
9. November 21, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 80-07248/NM-3153-79
2. 30-015-22569-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Empire ABO Unit M152
6. Empire-ABO pool
7. Eddy County NM
8. 57.0 million cubic feet
9. November 20, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 80-07249/NM-3154-79
2. 30-015-22097-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Empire ABO Unit M901
6. Empire-ABO pool
7. Eddy County NM
8. 256.0 million cubic feet
9. November 21, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 80-07250/NM-3155-79
2. 30-015-22058-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Empire ABO Unit N901
6. Empire-ABO pool
7. Eddy County NM
8. 3.0 million cubic feet
9. November 21, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 80-07251/NM-3156-79
2. 30-015-22057-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Empire ABO Unit M101
6. Empire-ABO pool
7. Eddy County NM
8. 24.0 million cubic feet
9. November 21, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 80-07252/NM-3157-79
2. 30-015-22093-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Empire ABO Unit M122
6. Empire-ABO pool
7. Eddy County NM
8. 584.0 million cubic feet
9. November 21, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 80-07253/NM-3158-79
2. 30-015-22658-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Empire ABO Unit K194
6. Empire-ABO pool
7. Eddy County NM
8. 397.0 million cubic feet
9. November 21, 1979
10. Amoco Production Company, Phillips Petroleum Co

1. 80-07254/NM-3159-79
2. 30-015-22062-0000-0
3. 103 000 000

4. Arco Oil and Gas Company
5. Empire ABO Unit L121
6. Empire-ABO pool
7. Eddy County NM
8. 63.0 million cubic feet
9. November 21, 1979
10. Amoco Production Company, Phillips Petroleum Co
 1. 80-07255/NM-3160-79
 2. 30-015-22657-0000-0
 3. 103 000 000
4. Arco Oil and Gas Company
5. Empire ABO unit K193
6. Empire-ABO pool
7. Eddy County, NM
8. 40.0 million cubic feet
9. November 21, 1979
10. Amoco Production Company, Phillips Petroleum Co
 1. 80-07256/NM-3164-79
 2. 30-015-22568-0000-0
 3. 103 000 000
4. Arco Oil and Gas Company
5. Empire ABO unit M151
6. Empire-ABO pool
7. Eddy County, NM
8. 16.0 million cubic feet
9. November 21, 1979
10. Amoco Production Company, Phillips Petroleum Co
 1. 80-07257/NM-3594-79
 2. 30-039-60094-0000-0
 3. 108 000 000
4. El Paso Natural Gas Company
5. Rincon unit 97 MV & PC
6. Blanco MV & Blanco S PC Gas
7. Rio Arriba, NM
8. 21.7 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
 1. 80-07258/NM-4601-79
 2. 30-045-23504-0000-0
 3. 103 000 000
4. Dugan Production Corp
5. Western Federal #9
6. South Gallegos
7. San Juan, NM
8. 75.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
 1. 80-07259/NM-4600-79
 2. 30-045-22695-0000-0
 3. 103 000 000
4. Dugan Production corp
5. KR #3
6. WAW Field
7. San Juan, NM
8. 5.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
 1. 80-07260A/NM-4598-79
 2. 30-045-23209-0000-0
 3. 103 000 000
4. Dugan Production Corp
5. Mayre #4 (Fruitland)
6. Harper Hill
7. San Juan, NM
8. 35.0 million cubic feet
9. November 21, 1979
10.
 1. 80-07260B/NM-4598-79B
 2. 30-045-23209-0000-2
 3. 103 000 000
4. Dugan Production Corp
5. Mayre #4 (PC)
6. Harper Hill
7. San Juan, NM
8. 35.0 million cubic feet
9. November 21, 1979
10.
 1. 80-07261/NM-4400-79
 2. 30-045-09028-0000-0
 3. 108 000 000
4. El Paso Natural Gas Company
5. Ludwick #8
6. Blanco-Mesaverde Gas
7. San Juan, NM
8. 16.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
 1. 80-07262A/NM-4386-79A
 2. 30-039-21890-0000-1
 3. 103 000 000
4. Cotton Petroleum Corporation
5. Apache No 127 (Dakota)
6. Lindrith Dakota West
7. Rio Arriba, NM
8. 30.0 million cubic feet
9. November 21, 1979
10. Northwest Pipeline Corporation
 1. 80-07262B/NM-4386-79B
 2. 30-039-21890-0000-2
 3. 103 000 000
4. Cotton Petroleum Corporation
5. Apache No 127 (Gallup)
6. Lindrith Gallup
7. Rio Arriba, NM
8. 30.0 million cubic feet
9. November 21, 1979
10. Northwest Pipeline Corporation
 1. 80-07263/NM-4267-79
 2. 30-045-20390-0000-0
 3. 108 000 000
4. El Paso Natural Gas Company
5. Huerfano unit #54
6. Basin-Dakota Gas
7. San Juan, NM
8. 21.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp, Southern Union Gathering Co
 1. 80-07264/NM-4180-79
 2. 30-039-20371-0000-0
 3. 108 000 000
4. El Paso Natural Gas Company
5. Vaughn #13
6. Basin-Dakota Gas
7. Rio Arriba, NM
8. 18.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
 1. 80-07265/NM-4227-79
 2. 30-015-22216-0000-0
 3. 103 000 000
4. Holly Energy Inc
5. McIntyre A-7
6. Loco Hills Morrow South (Gas)
7. Eddy, NM
8. 90.0 million cubic feet
9. November 21, 1979
10. Continental Oil Company
 1. 80-07266/NM-3942-79
 2. 30-045-08553-0000-0
 3. 108 000 000
4. Petroleum Corporation of Texas
5. Jones Federal #2 NM-03717
6. Aztec Field
7. San Juan County, NM
8. 16.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Co
 1. 80-07267/NM-3984-79
 2. 30-025-00000-0000-0
 3. 108 000 000
4. Westall & Barr
5. Federal A No 1
6. Chaveroo San Andres
7. Lea, NM
8. 2.3 million cubic feet
9. November 21, 1979
10. Cities Service Company
 1. 80-07268/NM-3985-79
 2. 30-041-20112-0000-0
 3. 108 000 000
4. Westall & Barr
5. Federal A No 2
6. Chaveroo San Andres
7. Lea, NM
8. 2.3 million cubic feet
9. November 21, 1979
10. Cities Service Company
 1. 80-07269/NM-3988-79
 2. 30-041-20154-0000-0
 3. 108 000 000
4. Westall & Barr
5. Federal A No 3
6. Chaveroo San Andres
7. Lea, NM
8. 2.3 million cubic feet
9. November 21, 1979
10. Cities Service Company
 1. 80-07271/NM-3970-79
 2. 30-015-22444-0000-0
 3. 103 000 000
4. Holly Energy Inc
5. McIntyre B-3
6. Grayburg-Jackson
7. Eddy, NM
8. 95.0 million cubic feet
9. November 21, 1979
10. Phillips Petroleum Company
 1. 80-07272/NM-4076-79
 2. 30-039-07087-0000-0
 3. 108 000 000
4. El Paso Natural Gas Company
5. SJ 28-6 unit #27
6. Blanco Mesaverde Gas
7. Rio Arriba, NM
8. 24.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
 1. 80-07273/NM-4079-79
 2. 30-039-05946-0000-0
 3. 108 000 000
4. El Paso Natural Gas Company
5. Canyon Largo unit #37
6. Ballard Pictured Cliffs Gas
7. Rio Arriba, NM
8. 21.2 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
 1. 80-07274/NM-4082-79
 2. 30-045-08130-0000-0
 3. 108 000 000
4. El Paso Natural Gas Company
5. San Jacinto #8
6. Basin Dakota Gas
7. San Juan, NM
8. 18.6 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corp
 1. 80-07275/NM-4087-79

2. 30-045-20988-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. Heaton #28
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 21.5 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07276/NM-4092-79
2. 30-045-20922-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. Jones A #7
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 18.6 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07277/NM-4100-79
2. 30-045-60031-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. Zachary #1
6. Blanco Mesaverde Gas
7. San Juan, NM
8. 23.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07278/NM-4128-79
2. 30-045-22843-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Neil #6A
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 120.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07279/NM-4150-79
2. 30-039-21007-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. SJ 27-4 unit #116
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 21.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07280/NM-4172-79
2. 30-039-20412-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. Klein #17
6. Otero-Chacra Gas
7. Rio Arriba, NM
8. 20.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07281/NM-4175-79
2. 30-045-11785-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. Heaton #20
6. Aztec-Pictured Cliffs Gas
7. San Juan, NM
8. 19.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07282/NM-3900-79
2. 30-025-04966-0000-0
3. 108 000 000
4. Gene Milford
5. Toles Federal No 1
6. Sawyer San Andres
7. Lea, NM
8. 9.1 million cubic feet
9. November 21, 1979
10. Cities Service Company
1. 80-07283/NM-3477-79
2. 30-045-22205-0000-0
3. 103 000 000
4. Amoco Production Company
5. McEwen Gas Com B #1
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 79.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-02784/NM-3168-79
2. 30-015-22560-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Empire ABO Unit K192
6. Empire-ABO Pool
7. Eddy County, NM
8. 497.0 million cubic feet
9. November 21, 1979
10. Amoco Production Company, Phillips Petroleum Co.
1. 80-07285/NM-3165-79
2. 30-015-22676-0000-0
3. 103 000 000
4. Arco Oil and Gas Company
5. Empire ABO Unit J203
6. Empire-ABO Pool
7. Eddy County, NM
8. 336.0 million cubic feet
9. November 21, 1979
10. Amoco Production Company, Phillips Petroleum Co.
1. 80-07368/NM-4203-79
2. 30-045-21975-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Howell G No. 2A
6. Blanco Mesaverde
7. San Juan, NM
8. 110.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company, Southern Union Gathering Co.
1. 80-07369/NM-4204-79
2. 30-045-21976-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Woodriver No. 2A
6. Blanco Mesaverde
7. San Juan, NM
8. 175.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company, Southern Union Gathering Co.
1. 80-07370/NM-4205-79
2. 30-045-22926-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Riddle A No. 3A
6. Blanco Mesaverde
7. San Juan, NM
8. 210.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company, Southern Union Gathering Co.
1. 80-07371/NM-4206-79
2. 30-045-21964-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Howell C No. 4A
6. Blanco Mesaverde
7. San Juan, NM
8. 290.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company, Southern Union Gathering Co.
1. 80-07372/NM-4222-79
2. 30-045-23166-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Sunray B No. 1A
6. Blanco Mesaverde
7. San Juan, NM
8. 140.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07373/NM-4189-79
2. 30-045-23124-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Sheets No. 1A
6. Blanco Mesaverde
7. San Juan, NM
8. 130.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07374/NM-4189-79
2. 30-039-21718-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Rincon Unit No. 81A
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 240.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07375/NM-4200-79
2. 30-045-23167-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Riddle B No. 3A
6. Blanco Mesaverde
7. San Juan, NM
8. 130.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07376/NM-4201-79
2. 30-045-23168-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Riddle B No. 2A
6. Blanco Mesaverde
7. San Juan, NM
8. 180.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07377/NM-4202-79
2. 30-039-21719-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Rincon Unit No. 83A
6. Blanco Mesaverde
7. Rio Arriba, NM
8. 130.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07378/NM-4223-79
2. 30-045-22991-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Sheets No 3
6. Blanco Pictured Cliffs
7. San Juan, NM
8. 30.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company

1. 80-07379/NM-4224-79
2. 30-045-23092-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Dawson No. 1A
6. Blanco Mesaverde
7. San Juan,, NM
8. 110.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07380/NM-3947-79
2. 30-045-07075-0000-0
3. 108-000-000
4. Petroleum Corporation of Texas
5. Kutz Government No. 4 SF-046563
6. Fulcher Kutz Field (PC)
7. San Juan,, NM
8. 10.6 million cubic feet
9. November 21, 1979
10. Southern Union Gathering Co.
1. 80-07381/NM-4218-79
2. 30-045-23165-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Sunray E No. 1A
6. Blanco Mesaverde
7. San Juan,, NM
8. 220.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07382/NM-4219-79
2. 30-045-23381-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Storey B No. 1A
6. Blanco Mesaverde
7. San Juan,, NM
8. 110.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07383/NM-3348-79
2. 30-039-08065-0000-0
3. 108-000-000
4. Amoco Production Company
5. Jicarilla Contract 146 No. 16
6. Otero-Chacra
7. Rio Arriba, NM
8. 20.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07384A/NM-4026-79A
2. 30-045-23187-0000-1
3. 103 000 000
4. Dome Petroleum Corp
5. Federal 24 Well No. 1 (PC)
6. Nipp Pictured Cliffs
7. San Juan, County, NM
8. 37.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas, Natural Gas Pipeline Corp of Am
1. 80-07384B/NM-4026-79A
2. 30-045-23187-0000-2
3. 103 000 000
4. Dome Petroleum Corp
5. Federal 24 Well No. 1 (Fruitland)
6. Nipp Fruitland
7. San Juan, County, NM
8. 37.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas, Natural Gas Pipeline Corp of Am
1. 80-07386/NM-4158-79
2. 30-045-02168-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. Johnston No. 12
6. Aztec Pictured Cliffs Gas
7. San Juan,, NM
8. 19.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07387/NM-4157-79-1
2. 30-005-60555-0000-0
3. 102 000 000
4. Yates Petroleum Corporation
5. Federal Hy No. 2
6. Wildcat
7. Eddy, NM
8. .0 million cubic feet
9. November 21, 1979
- 10.
1. 80-07388/NM-4157-79-1
2. 30-005-60555-0000-0
3. 103 000 000
4. Yates Petroleum Corporation
5. Federal Hy No. 2
6. Wildcat
7. Eddy, NM
8. .0 million cubic feet
9. November 21, 1979
- 10.
1. 80-07389/NM-3648-79
2. 30-005-00000-0000-0
3. 102 000 000
4. C E Larue and B N Muncy Jr
5. Lillie Federal No. 2
6. Sams Ranch Grayburg
7. Chaves, NM
8. .0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07390/NM-3649-79
2. 30-005-00000-0000-0
3. 102 000 000
4. C E Larue and B N Muncy Jr
5. Hanlad Federal No. 1
6. Sams Ranch Grayburg
7. Chaves, NM
8. .0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07391/NM-3940-79
2. 30-045-22519-0000-0
3. 108 000 000
4. Petroleum Corporation of Texas
5. Marron A No. 1-A NM-03604
6. South Blanco P C Field
7. San Juan, County, NM.
8. 17.2 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07392/NM-3941-79
2. 30-045-08198-0000-0
3. 108 000 000
4. Petroleum Corporation of Texas
5. Marron A No. 1 NM-03604
6. South Blanco PC Field
7. San Juan County, NM
8. .0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07393/NM-3944-79
2. 30-045-08915-0000-0
3. 108 000 000
4. Petroleum Corporation of Texas
5. Kutz Government No. 7 SF-077382
6. Fulcher Kutz Field (PC)
7. San Juan,, NM
8. 16.8 million cubic feet
9. November 21, 1979
10. Southern Union Gathering Co
1. 80-07394/NM-3943-79
2. 30-045-21209-0000-0
3. 108 000 000
4. Petroleum Corporation of Texas
5. Kutz Government #6 SF-077382
6. Fulcher Kutz Field (PC)
7. San Juan, NM
8. 3.1 million cubic feet
9. November 21, 1979
10. Southern Union Gathering Co
1. 80-07395/NM-3945-79
2. 30-045-06933-0000-0
3. 108 000 000
4. Petroleum Corporation of Texas
5. Kutz Government #5 SF-046563
6. Fulcher Kutz Field (PC)
7. San Juan, NM
8. 14.2 million cubic feet
9. November 21, 1979
10. Southern Union Gathering Co
1. 80-07396/NM-3946-79
2. 30-045-21211-0000-0
3. 108 000 000
4. Petroleum Corporation of Texas
5. Kutz Government #8-A SF-077383
6. Fulcher Kutz Field (PC)
7. San Juan, NM
8. 14.5 million cubic feet
9. November 21, 1979
10. Southern Union Gathering Co
1. 80-07397/NM-4197-79
2. 30-045-11578-0000-0
3. 108 000 000
4. Arco Oil and Gas Company
5. Navajo Allotted Com A #1
6. Basin Dakota
7. San Juan, NM
8. 6.9 million cubic feet
9. November 21, 1979
10. Gas Company of New Mexico
1. 80-07398/NM-4220-79
2. 30-045-23170-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Florance F #1A
6. Blanco Mesaverde
7. San Juan, NM
8. 100.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07399/NM-4221-79
2. 30-045-22834-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Howell C #3A
6. Blanco Mesaverde
7. San Juan, NM
8. 240.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07400/NM-4246-79
2. 30-025-26010-0000-0
3. 102 000 000
4. Gifford Mitchell & Wisenbaker
5. Spotted Tail Federal Well #1
6. Sioux Yates
7. Lea, NM
8. 9.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07401/NM-4247-79
2. 30-025-26009-0000-0

3. 102 000 000
4. Gifford Mitchell & Wisenbaker
5. Standing Bear Federal Well #1
6. Sioux Yates
7. Lea, NM
8. 6.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07402/NM-4248-79
2. 30-025-25939-0000-0
3. 102 000 000
4. Gifford Mitchell & Wisenbaker
5. Tishman Federal Well #1
6. Sioux Yates
7. Lea, NM
8. 6.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07403/NM-4249-79
2. 30-045-23256-0000-0
3. 103 000 000
4. American Petrofina Company of Texas
5. Tank Mountain No 1
6. Blanco Mesaverde
7. San Juan, NM
8. 1.1 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07404/NM-4250-79
2. 30-045-23087-0000-0
3. 103 000 000
4. Hixon Development Company
5. Phillips Federal Well No 2
6. Wildcat
7. San Juan County, NM
8. 150.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07405/NM-4252-79
2. 30-039-21817-0000-0
3. 103 000 000
4. Southland Royalty Company
5. Arizona Jicarilla #9
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 100.0 million cubic feet
9. November 21, 1979
10. Gas Company of New Mexico
1. 80-07406/NM-4253-79
2. 30-039-21818-0000-0
3. 103 000 000
4. Southland Royalty Company
5. Arizona Jicarilla #10
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 100.0 million cubic feet
9. November 21, 1979
10. Gas Company of New Mexico
1. 80-07407/NM-4254-79-A
2. 30-045-23105-0000-1
3. 103 000 000
4. Southland Royalty Company
5. Hanks #24 (Chacra)
6. Undesignated Chacra
7. San Juan, NM
8. 80.0 million cubic feet
9. November 21, 1979
10. Southern Union Gathering Company
1. 80-07408/NM-4254-79-B
2. 30-045-23105-0000-2
3. 103 000 000
4. Southland Royalty Company
5. Hanks #24 (MV)
6. Blanco Mesaverde
7. San Juan, NM
8. 125.0 million cubic feet
9. November 21, 1979
10. Southern Union Gathering
1. 80-07409A/NM-4255-79A
2. 30-039-21848-0000-1
3. 103 000 000
4. Southland Royalty Company
5. Medio Canyon #1 (Gallup)
6. West Lindrith Gallup
7. Rio Arriba, NM
8. 25.0 million cubic feet
9. November 21, 1979
10. Northwest Pipeline Corporation
1. 80-07409B/NM-4255-79B
2. 30-039-21848-0000-2
3. 103 000 000
4. Southland Royalty Company
5. Medio Canyon #1 (Dakota)
6. West Lindrith Dakota
7. Rio Arriba, NM
8. 25.0 million cubic feet
9. November 21, 1979
10. Northwest Pipeline Corporation
1. 80-07410/NM-4270-79
2. 30-039-20602-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. SJ 27-5 Unit #149
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 20.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 80-07411/NM-4276-79
2. 30-039-06873-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. SJ 28-7 Unit #120
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 21.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07412/NM-4306-79
2. 30-045-23037-0000-0
3. 103 000 000
4. Marathon Oil Company
5. Ohio Government #3
6. Fulcher Kutz Pictured Cliffs
7. San Juan, NM
8. 104.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07413A/NM-4388-79A
2. 30-039-22017-0000-1
3. 103 000 000
4. Cotton Petroleum Corporation
5. Apache No 114 (Dakota West)
6. Lindrith Dakota West
7. Rio Arriba, NM
8. 30.0 million cubic feet
9. November 21, 1979
10. Northwest Pipeline Corporation
1. 80-07413B/NM-4388-79B
2. 30-039-22017-0000-2
3. 103 000 000
4. Cotton Petroleum Corporation
5. Apache No 114 (Gallup)
6. Lindrith Gallup
7. Rio Arriba, NM
8. 30.0 million cubic feet
9. November 21, 1979
10. Northwest Pipeline Corporation
1. 80-07414/NM-4217-79
2. 30-045-21768-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Florance A #1A
6. Blanco Mesaverde
7. San Juan, NM
8. 280.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07415/NM-3647-79
2. 30-005-00000-0000-0
3. 102 000 000
4. C E Larue and B N Muncy Jr
5. Lillie Federal #1 API No 30-005-6036
6. Sams Ranch Grayburg
7. Chaves County, NM
8. .0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07416/NM-4158-79
2. 30-039-07328-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. SJ 28-6 Unit #35
6. Blanco Mesaverde Gas
7. Rio Arriba, NM
8. 16.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07417/NM-4161-79
2. 30-045-20793-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. Kelly B #2
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 19.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07418/NM-4165-79
2. 30-039-07113-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. SJ 27-5 Unit #77
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 18.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corp
1. 80-07419/NM-4168-79
2. 30-039-06807-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. Rincon Unit #50
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba, NM
8. 20.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07420/NM-4167-79
2. 30-045-05991-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Luthy A #2
6. Blanco South-Pictured Cliffs Gas
7. San Juan, NM
8. 20.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07421/NM-4168-79
2. 30-045-06990-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Daum #3

6. Blanco Mesaverde Gas
7. San Juan, NM
8. 19.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07422/NM 4193-79B
2. 30-025-26203-0000-2
3. 103 000 000
4. Continental Oil Company
5. Warren Unit—Blinebry No 57
6. NMFU—Blinebry Oil & Gas
7. Lea NM
8. 25.0 million cubic feet
9. November 21, 1979
10. Warren Petroleum Company
1. 80-07423/NM 4193-79A
2. 30-025-26203-0000-1
3. 103 000 000
4. Continental Oil Company
5. Warren Unit—Tubb No 57
6. NMFU—Warren Tubb Oil
7. Lea NM
8. 35.0 million cubic feet
9. November 21, 1979
10. Warren Petroleum Co
1. 80-07427/NM-4208-79
2. 30-015-20278-0000-0
3. 108 000 000
4. Yates Petroleum Corporation
5. Allison Co Federal No 1
6. Hoag Tank Morrow
7. Eddy NM
8. 21.8 million cubic feet
9. November 21, 1979
10. Transwestern Pipeline Company
1. 80-07428/NM-4209-79
2. 30-015-20054-0000-0
3. 108 000 000
4. Yates Petroleum Corporation
5. Johnston Be Com No 1
6. Boyd Morrow Gas
7. Eddy County NM
8. 24.3 million cubic feet
9. November 21, 1979
10. Transwestern Pipeline Co
1. 80-07429/NM-4210-79
2. 30-045-10938-0000-0
3. 108 000 000
4. Consolidated Oil & Gas Inc
5. Freeman No 1-11
6. Basin Dakota/Blanco Mesaverde
7. San Juan NM
8. 18.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07430/NM-4213-79
2. 30-015-22874-0000-0
3. 103 000 000
4. Gulf Oil Corporation
5. Marquardt Federal Well No 1
6. White City Penn
7. Eddy NM
8. 288.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas
1. 80-07431/NM-4214-79
2. 30-015-22612-0000-0
3. 103 000 000
4. Gulf Oil Corporation
5. Pacheco Federal Com Well No 3
6. Angell Ranch Morrow
7. Eddy NM
8. 100.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas

1. 80-07432/NM-4216-79
2. 30-045-22719-0000-0
3. 103 000 000
4. El Paso Natural Gas Company
5. Hughes #6A
6. Blanco Mesaverde
7. San Juan NM
8. 260.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. 80-07433/NM-1928-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Lockhart B-31 #4
6. New Mexico Federal Unit
7. Lea NM
8. 15.9 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Co (C-4037)
1. 80-07435/NM-2715-79
2. 30-045-23014-0000-0
3. 108 000 000
4. Dietrich Exploration Company Inc
5. Federal 34-2
6. Waw Pictured Cliffs
7. San Juan County NM
8. 5.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)
1. 80-07424/NM-4195-79
2. 43-037-30453-0000-0
3. 103 000 000
4. The Superior Oil Co
5. McElmo Creek Unit S-13
6. Greater Aneth
7. San Juan UT
8. 25.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Co
1. 80-07425/NM-4194-79
2. 43-037-30456-0000-0
3. 103 000 000
4. The Superior Oil Co
5. McElmo Creek Unit U-13
6. Greater Aneth
7. San Juan UT
8. 60.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Co
1. 80-07426/UA 4207-79
2. 43-037-30463-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit Q-21
6. Greater Aneth
7. San Juan UT
8. 55.0 million cubic feet
9. November 21, 1979
10. El Paso Natural Gas Company
- U.S. Geological Survey, Tulsa, Okla.
1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA

4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)
1. 80-07519/AR-56-9
2. 03-071-10170-0000-0
3. 103 000 000
4. Weiser-Brown Oil Company
5. ES 15176 #1-5 C
6. Batson Field
7. Johnson County AR
8. .0 million cubic feet
9. November 23, 1979
10. Arkansas Western Gas Company

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

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before January 4, 1980.

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

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-39023 Filed 12-10-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 125]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

December 10, 1979.

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

Oklahoma Corporation Commission

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-07121/00041
2. 35-047-21389-0000
3. 103 000 000
4. Union Texas Petroleum

7. Kingfisher, OK
8. 73.0 million cubic feet
9. November 20, 1979
10. Eason Oil Co
1. 80-07144/00862
2. 35-045-20672-0000
3. 103 000 000
4. Alpar Resources Inc
5. Beagle No. 1-2
6. NE Peek
7. Ellis, OK
8. 75.0 million cubic feet
9. November 20, 1979
10. Panhandle Eastern Pipeline Co
1. 80-07145/00601
2. 35-137-00000-0000
3. 103 000 000
4. Getty Oil Company
5. C A Stephens No. 7
6. Sho-Vel-Tum
7. Stephens, OK
8. 83.0 million cubic feet
9. November 20, 1979
10. Getty Oil Co Nat Gas Plant
1. 80-07146/00609
2. 35-137-21806-0000
3. 103 000 000
4. Getty Oil Company
5. Crosbie Unit No 6
6. Sho-Vel-Tum
7. Stephens OK
8. 169.0 million cubic feet
9. November 20, 1979
10. Getty Oil Co Nat Gas Plant
1. 80-07147/00051
2. 35-093-21448-0000
3. 103 000 000
4. Union Texas Petroleum
5. L L Weaver No 5
6. Ringwood
7. Major OK
8. 53.0 million cubic feet
9. November 20, 1979
10. Okla Nat Gas Gathering Corp
1. 80-07148/00058
2. 35-093-21436-0000
3. 103 000 000
4. Union Texas Petroleum
5. E A Maly #2
6. Chaney Dell East Sec 30 T23N R10W
7. Major OK
8. 58.0 million cubic feet
9. November 20, 1979
10. Panhandle Eastern Pipeline Co
1. 80-07149/00055
2. 35-003-20626-0000
3. 103 000 000
4. Union Texas Petroleum
5. M Smith #2
6. Chaney Dell East Sec 17 T23N R10W
7. Alfalfa OK
8. 41.0 million cubic feet
9. November 20, 1979
10. Panhandle Eastern Pipeline Co
1. 80-07150/00571
2. 35-093-00000-0000
3. 108 000 000
4. Ladd Petroleum Corp
5. Scannell G
6. Ringwood
7. Major OK
8. 18.1 million cubic feet
9. November 20, 1979
10. Oklahoma Natural Gas Gathering
1. 80-07151/00556
2. 35-049-00000-0000
3. 108 000 000
4. Ladd Petroleum Corp
5. Nolatubee J Z
6. Golden Trend
7. Garvin OK
8. 2.4 million cubic feet
9. November 21, 1979
10. Warren Petroleum Corporation
1. 80-07152/00557
2. 35-049-00000-0000
3. 108 000 000
4. Ladd Petroleum Corp
5. Nolatubee-Cronian
6. Golden Trend
7. Garvin OK
8. 8.4 million cubic feet
9. November 21, 1979
10. Warren Petroleum Corporation
1. 80-07153/00569
2. 35-093-00000-0000
3. 108 000 000
4. Ladd Petroleum Corp
5. Adkins (Mann)
6. Ringwood
7. Major OK
8. 6.3 million cubic feet
9. November 21, 1979
10. Oklahoma Natural Gas Gathering
1. 80-07154/00061
2. 35-093-21531-0000
3. 103 000 000
4. Union Texas Petroleum
5. McNabb #2
6. Chaney Dell East Sec 26 T23N R11W
7. Major OK
8. 73.0 million cubic feet
9. November 21, 1979
10. Panhandle Eastern Pipeline Co
1. 80-07155/00056
2. 35-003-20622-0000
3. 103 000 000
4. Union Texas Petroleum
5. Homer Davis A-2
6. Chaney Dell East
7. Alfalfa OK
8. 80.0 million cubic feet
9. November 21, 1979
10. Panhandle Eastern Pipeline Co
1. 80-07156/00940
2. 35-025-35327-0000
3. 108 000 000
4. Texaco Inc
5. Nash State No 1
6. E Griggs
7. Cimarron OK
8. .0 million cubic feet
9. November 21, 1979
10. Transwestern Pipeline Company
1. 80-07157/00941
2. 35-025-35308-0000
3. 108 000 000
4. Texaco Inc
5. Gustave Dencker Unit No 1
6. Griggs
7. Cimarron OK
8. 4.7 million cubic feet
9. November 21, 1979
10. Transwestern Pipeline Company
1. 80-07158/00982
2. 35-139-00000-0000
3. 108 000 000
4. Texaco Inc
5. J Blehm No 1
6. Guymon-Hugoton
7. Texas OK
8. 20.1 million cubic feet
9. November 21, 1979
10. Kansas-Nebraska Gas Co Inc
1. 80-07159/00042
2. 35-047-21460-0000
3. 103 000 000
4. Union Texas Petroleum
5. L M Atherton No 3
6. Waukomis SW
7. Garfield OK
8. 55.0 million cubic feet
9. November 21, 1979
10. Panhandle Eastern Pipeline Co
1. 80-07160/00869
2. 35-045-20630-0000
3. 102 000 000
4. Caroline Hunt Trust Estate
5. No 1 R J Schneider 045-56583
6. S E Arnett (Morrow SD)
7. Ellis OK
8. 140.0 million cubic feet
9. November 21, 1979
10. Northern Natural Gas Company
1. 80-07161/00785
2. 35-121-20213-0000
3. 103 000 000
4. Dyco Petroleum Corporation
5. Sanders No 1-22
6. Ulan South
7. Pittsburg OK
8. 160.0 million cubic feet
9. November 21, 1979
10. Arkansas Louisiana Gas Company
1. 80-07162/00579
2. 35-047-00000-0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. Sloup
6. Sooner Trend
7. Garfield OK
8. 5.3 million cubic feet
9. November 21, 1979
10. Cities Service Gas Co
1. 80-07163/00580
2. 35-093-00000-0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. C-15 Mississippi
6. Ringwood
7. Major OK
8. 5.1 million cubic feet
9. November 21, 1979
10. Oklahoma Natural Gas Gathering
1. 80-07165/00050
2. 35-093-21391-0000
3. 103 000 000
4. Union Texas Petroleum
5. State B No 3
6. Ringwood
7. Major OK
8. 20.0 million cubic feet
9. November 21, 1979
10. Oklahoma Natural Gas Gathering Corp
1. 80-07166/00574
2. 35-047-00000-0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. Lang
6. N E Enid
7. Garfield OK
8. 6.9 million cubic feet
9. November 21, 1979
10. Cities Service Gas Co
1. 80-07167/00535

2. 35-093-21345-0000
3. 103 000 000
4. Pioneer Production Corporation
5. Hurt #1-8 OTC No 093-53469
6. N E Chester
7. Major OK
8. 35.0 million cubic feet
9. November 21, 1979
10. Delhi Gas Pipeline

1. 80-07164/00572
2. 35-093-00000-0000
3. 108 000 000
4. Ladd Petroleum Corporation
5. Scannell #1 (Mann)
6. Ringwood
7. Major OK
8. 6.9 million cubic feet
9. November 21, 1979
10. Oklahoma Natural Gas Gathering

West Virginia Department of Mines, Oil and Gas Division

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

1. 80-06901
2. 47-005-00565-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 38-643
- 6.
7. Boone WV
8. 2.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06902
2. 47-005-00554-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 43-641
- 6.
7. Boone WV
8. 2.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06903
2. 47-005-00559-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 37-642
- 6.
7. Boone WV
8. 2.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06904
2. 47-005-00537-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Bull Creek 19-636
6. Kanawha Forest Newburg
7. Boone WV

8. 18.3 million cubic feet
9. November 20, 1979
10. Libbey-Owens-Ford
1. 80-06905
2. 47-005-00544-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 38-638
- 6.
7. Boone WV
8. 2.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06906
2. 47-005-00545-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 42-639
- 6.
7. Boone WV
8. 3.0 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06907
2. 47-005-00478-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 29-576
- 6.
7. Boone WV
8. 2.7 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06908
2. 47-005-00482-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 34-587
- 6.
7. Boone WV
8. 1.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06909
2. 47-005-00485-0000
3. 108 000 000
4. Industrial Gas Corporation
5. E E Chambers 3-595
- 6.
7. Boone WV
8. 1.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06910
2. 47-043-00777-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Stein & McComas 4-763
- 6.
7. Lincoln WV
8. 11.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06911
2. 47-043-00767-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lincoln Land & Mining 3-762
- 6.
7. Lincoln WV
8. 2.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06912
2. 47-043-00753-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Stein & McComas 3-758
- 6.
7. Lincoln WV
8. 2.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06913
2. 47-043-00694-0000
3. 108 000 000
4. Industrial Gas Corporation
5. F F Starcher 1-749
- 6.
7. Lincoln WV
8. 6.0 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06914
2. 47-043-00709-0000
3. 108 000 000
4. Industrial Gas Corporation
5. F F Starcher 2-751
- 6.
7. Lincoln WV
8. 8.5 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06915
2. 47-043-00695-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Stein & McComas 2-752
- 6.
7. Lincoln WV
8. 5.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06916
2. 47-005-01160-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 11-228
- 6.
7. Boone WV
8. 1.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc

1. 80-06917
2. 47-043-00614-0000
3. 108 000 000

4. Industrial Gas Corporation
5. Pattie Porter 6-713
6.
7. Lincoln WV
8. 7.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Inc
1. 80-06918
2. 47-003-00426-0000
3. 108 000 000
4. Industrial Gas Corporation
5. R A Chambers 1-553
6.
7. Boone WV
8. 1.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Inc
1. 80-06919
2. 47-005-01147-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lenning Estate 4-331
6.
7. Boone WV
8. .8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Inc
1. 80-06920
2. 47-005-01146-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lenning Estate 1-218
6.
7. Boone WV
8. .4 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Inc
1. 80-06921
2. 47-005-01145-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lenning Estate 3-321
6.
7. Boone WV
8. 3.4 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Inc
1. 80-06922
2. 47-005-01161-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 14-299
6.
7. Boone WV
8. 1.4 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Inc
1. 80-06923
2. 47-043-01405-0000
3. 108 000 000
4. Industrial Gas Corporation
5. F F Starcher 14-1210
6.
7. Lincoln WV
8. 7.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-
Illinois Inc
1. 80-06924
2. 47-043-01406-0000
3. 108 000 000
4. Industrial Gas Corporation
5. F. F. Starcher 13-1209
6.
7. Lincoln, WV
8. 9.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington
Alloys Inc., Libby-Owens-Ford Co., Owens-
Illinois, Inc.
1. 80-06925
2. 47-043-01409-0000
3. 108 000 000
4. Industrial Gas Corporation
5. F. F. Starcher 15-1218
6.
7. Lincoln, WV
8. 7.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington
Alloys Inc., Libby-Owens-Ford Co., Owens-
Illinois, Inc.
1. 80-06926
2. 47-043-01437-0000
3. 108 000 000
4. Industrial Gas Corporation
5. F. F. Starcher 16-1220
6.
7. Lincoln, WV
8. 10.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington
Alloys Inc., Libby-Owens-Ford Co., Owens-
Illinois, Inc.
1. 80-06927
2. 47-045-00744-0000
3. 108 000 000
4. Industrial Gas Corporation
5. A. S. Behrend 1-1025
6.
7. Logan, WV
8. 6.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington
Alloys Inc., Libby-Owens-Ford Co., Owens-
Illinois, Inc.
1. 80-06928
2. 47-045-00009-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lawson Hrs B 3-1181
6.
7. Logan, WV
8. 8.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington
Alloys Inc., Libby-Owens-Ford Co., Owens-
Illinois, Inc.
1. 80-06929
2. 47-045-00860-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lawson Hrs A 3-1138
6.
7. Logan, WV
8. 2.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington
Alloys Inc., Libby-Owens-Ford Co., Owens-
Illinois, Inc.
1. 80-06930
2. 47-045-00567-0000
3. 108 000 000
4. Industrial Gas Corporation
5. T. H. Harvey 8-1004
6.
7. Logan, WV
8. 16.7 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington
Alloys Inc., Libby-Owens-Ford Co., Owens-
Illinois, Inc.
1. 80-06931
2. 47-045-00775-0000
3. 108 000 000
4. Industrial Gas Corporation
5. H. M. Patterson 5-1109
6.
7. Logan, WV
8. 7.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington
Alloys Inc., Libby-Owens-Ford Co., Owens-
Illinois, Inc.
1. 80-06932
2. 47-045-00779-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lawson Hrs. A 2-1120
6.
7. Logan, WV
8. 10.5 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington
Alloys Inc., Libby-Owens-Ford Co., Owens-
Illinois, Inc.
1. 80-06933
2. 47-045-00783-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Ann McNeely 1-1113
6.
7. Logan, WV
8. 2.7 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington
Alloys Inc., Libby-Owens-Ford Co., Owens-
Illinois, Inc.
1. 80-06934
2. 47-005-01127-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 9-187
6.
7. Boone, WV
8. 1.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington
Alloys Inc., Libby-Owens-Ford Co., Owens-
Illinois, Inc.
1. 80-06935
2. 47-005-01128-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Francis Pauley 1-374
6.
7. Boone, WV
8. 1.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc., Huntington
Alloys Inc., Libby-Owens-Ford Co., Owens-
Illinois, Inc.

10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-06955
 2. 47-099-01038-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Max Lester 1-1021
 - 6.
 7. Wayne, WV
 8. .8 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06956
 2. 47-045-00791-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. John Justice 1-1134
 - 6.
 7. Logan, WV
 8. 3.5 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06957
 2. 47-045-00993-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Lawson Hrs 5-1183
 - 6.
 7. Logan, WV
 8. 12.0 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06958
 2. 47-045-00994-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Lawson Hrs B 6-1184
 - 6.
 7. Logan, WV
 8. 7.2 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06959
 2. 47-045-00995-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Lawson Hrs B 1-1179
 - 6.
 7. Logan, WV
 8. 13.4 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06960
 2. 47-045-01318-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Bowman-Hopkins 1-1003
 - 6.
 7. Lincoln, WV
 8. 8.5 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06961
 2. 47-045-00759-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. R J Blankenship 2-1026
 - 6.
 7. Logan, WV
 8. 5.1 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06962
 2. 47-045-00767-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. H M Patterson 3-1090
 - 6.
 7. Logan, WV
 8. 14.3 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06963
 2. 47-045-00769-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. R J Blankenship 3-1104
 - 6.
 7. Logan, WV
 8. 8.1 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06964
 2. 47-045-00771-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. H M Patterson 4-1099
 - 6.
 7. Logan, WV
 8. 2.9 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06965
 2. 47-045-00772-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. R J Blankenship 4-1110
 - 6.
 7. Logan, WV
 8. 5.4 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06966
 2. 47-045-00848-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Lawson Hrs B 7-1199
 - 6.
 7. Logan, WV
 8. 5.7 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06967
 2. 47-045-00859-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Lawson Hrs B 8-1202
 - 6.
 7. Logan, WV
 8. 14.3 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06968
 2. 47-045-00862-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Lawson Hrs B 9-1208
 - 6.
 7. Logan, WV
 8. 11.5 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06969
 2. 47-045-00757-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. H M Patterson 1-1071
 - 6.
 7. Logan, WV
 8. 2.1 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06970
 2. 47-045-00764-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. H M Patterson 2-1088
 - 6.
 7. Logan, WV
 8. 3.9 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc
 1. 80-06971
 2. 47-039-00397-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Siler Coal Land Co 4-485
 - 6.
 7. Kanawha, WV
 8. 6.3 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
 1. 80-06972
 2. 47-039-01369-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. L A Meyers A 2-270
 - 6.
 7. Kanawha, WV
 8. 6.0 million cubic feet
 9. November 20, 1979
 10. Cabot Corporation Huntington Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
 1. 80-06973
 2. 47-039-00470-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Siler Coal Land Co 5-493
 - 6.
 7. Kanawha, WV
 8. 8.1 million cubic feet
 9. November 20, 1979

10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-06974
 2. 47-039-02970-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Jos Wehrle 1-250
 - 6.
 7. Kanawha, WV
 8. 4.1 million cubic feet
 9. November 20, 1979
 10. Cabot Corporation
1. 80-06975
 2. 47-039-00167-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. C Q Crockett 10-389
 - 6.
 7. Kanawha, WV
 8. 1.9 million cubic feet
 9. November 20, 1979
 10. Cabot Corporation
1. 80-06976
 2. 47-039-00628-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Fred Supple 1-554
 - 6.
 7. Kanawha, WV
 8. 11.4 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-06977
 2. 47-039-02966-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Marmet Coal Co 4-6
 - 6.
 7. Kanawha, WV
 8. 1.4 million cubic feet
 9. November 20, 1979
 10. Cabot Corporation
1. 80-06978
 2. 47-039-02965-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Marmet Coal Co 3-5
 - 6.
 7. Kanawha, WV
 8. 4.5 million cubic feet
 9. November 20, 1979
 10. Cabot Corporation
1. 80-06979
 2. 47-039-02964-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Marmet Coal Co 2-4
 - 6.
 7. Kanawha, WV
 8. 6.3 million cubic feet
 9. November 20, 1979
 10. Cabot Corporation
1. 80-06980
 2. 47-039-02955-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. C Q Crockett 2-316
 - 6.
 7. Kanawha, WV
 8. 4.7 million cubic feet
 9. November 20, 1979
 10. Cabot Corporation
1. 80-06981
 2. 47-005-00490-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Cassingham 34-588
 - 6.
 7. Boone, WV
 8. 1.4 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-06982
 2. 47-005-00491-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Cassingham 36-589
 - 6.
 7. Boone, WV
 8. 1.5 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-06983
 2. 47-043-00183-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. W M Adkin 1-450
 - 6.
 7. Lincoln, WV
 8. 10.3 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-06984
 2. 47-005-00685-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Allen & Pryor 43-701
 - 6.
 7. Boone, WV
 8. 1.3 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-06985
 2. 47-005-00566-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Francis Pauley 2-651
 - 6.
 7. Boone, WV
 8. 3.8 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-06986
 2. 47-005-00567-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Bull Creek 21-655
 6. Kanawha Forest Newburg
 7. Boone, WV
 8. 16.8 million cubic feet
 9. November 20, 1979
 10. Libby-Owens Ford
1. 80-06987
 2. 47-005-00579-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. B S Ballard 3-658
- 6.
 7. Boone, WV
 8. 2.1 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-06988
 2. 47-005-00582-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. C A Croft B 1-659
 - 6.
 7. Boone, WV
 8. 2.3 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-06989
 2. 47-005-00680-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Siler Coal Land Co 14-698
 - 6.
 7. Boone, WV
 8. 4.3 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-06990
 2. 47-005-00487-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Allen & Pryor 31-591
 - 6.
 7. Boone, WV
 8. 1.6 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-06991
 2. 47-005-01148-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Lenning Estate 5-339
 - 6.
 7. Boone, WV
 8. 1.7 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-06992
 2. 47-039-02968-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Marmet Coal Co 6-8
 - 6.
 7. Kanawha, WV
 8. 6.3 million cubic feet
 9. November 20, 1979
 10. Cabot Corporation
1. 80-06993
 2. 47-039-02967-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Marmet Coal Co 5-7
 - 6.
 7. Kanawha, WV
 8. 6.3 million cubic feet
 9. November 20, 1979
 10. Cabot Corporation

1. 80-06994
2. 47-039-02937-0000
3. 108 000 000
4. Industrial Gas Corporation
5. L A Meyers A 4-281
6.
7. Kanawha, WV
8. 1.5 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-06995
2. 47-039-02938-0000
3. 108 000 000
4. Industrial Gas Corporation
5. L A Meyers A 5-284

6.
7. Kanawha, WV
8. 1.3 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-06996
2. 47-039-02969-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marmet Coal Co 7-17

6.
7. Kanawha WV
8. 4.7 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-06997
2. 47-039-02953-0000
3. 108 000 000
4. Industrial Gas Corporation
5. L G Crenshaw 4-279

6.
7. Kanawha WV
8. 3.6 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-06998
2. 47-039-02945-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marmet Coal Co 17-105

6.
7. Kanawha WV
8. 7.9 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-06999
2. 47-039-02943-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marmet Coal Co 10-40

6.
7. Kanawha WV
8. 3.9 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07000
2. 47-039-02944-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marmet Coal Co 11-41

6.
7. Kanawha WV
8. 6.3 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07001
2. 47-039-02936-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marmet Coal Co 18-107

6.
7. Kanawha WV
8. 5.3 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07002
2. 47-039-02935-0000
3. 108 000 000
4. Industrial Gas Corporation
5. L A Meyers B 10-363

6.
7. Kanawha WV
8. 2.8 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07003
2. 47-039-02973-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hancock 7-72

6.
7. Kanawha WV
8. 11.8 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07004
2. 47-039-02974-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Dickinson A 1-73

6.
7. Kanawha WV
8. 4.2 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07005
2. 47-039-02975-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Dickinson A 2-186

6.
7. Kanawha WV
8. 1.5 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07006
2. 47-039-02978-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Dickinson A 7-234

6.
7. Kanawha WV
8. 6.9 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07007
2. 47-039-02933-0000
3. 108 000 000
4. Industrial Gas Corporation
5. L A Meyers A 1-269

6.
7. Kanawha WV
8. 6.0 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07008
2. 47-039-02942-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marmet Coal Co 9-26

1. 80-07009
2. 47-039-02941-0000
3. 108 000 000
4. Industrial Gas Corporation
5. L A Meyers A 8-319

6.
7. Kanawha WV
8. 1.9 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07010
2. 47-039-02981-0000
3. 108 000 000
4. Industrial Gas Corporation
5. L G Crenshaw 2-259

6.
7. Kanawha WV
8. 1.8 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07011
2. 47-039-02980-0000
3. 108 000 000
4. Industrial Gas Corporation
5. L G Crenshaw 3-266

6.
7. Kanawha WV
8. 3.3 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07012
2. 47-039-02934-0000
3. 108 000 000
4. Industrial Gas Corporation
5. L A Meyers B 9-362

6.
7. Kanawha WV
8. 2.8 million cubic feet
9. November 20, 1979
10. Cabot Corporation

1. 80-07013
2. 47-039-00287-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hoard Baldwin 28-637

6.
7. Wayne WV
8. 4.7 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc

1. 80-07014
2. 47-039-00258-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Flem Booth 1-623

6.
7. Wayne WV
8. 3.0 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc

1. 80-07015
2. 47-039-00260-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 31-624

6.
7. Wayne WV
8. 10.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc

1. 80-07016
2. 47-099-00257-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Floyd Booth 1-622
- 6.
7. Wayne WV
8. 2.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntingdon Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07017
2. 47-099-00255-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Guyan Oil 9-619
- 6.
7. Wayne WV
8. 3.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntingdon Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07018
2. 47-005-01153-0000
3. 108 000 000
4. Industrial Gas Corporation
5. E E Chambers 2-349
- 6.
7. Boone WV
8. 2.4 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntingdon Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07019
2. 47-005-01162-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 15-302
- 6.
7. Boone WV
8. .9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntingdon Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07020
2. 47-099-00251-0000
3. 108 000 000
4. Industrial Gas Corporation
5. B C McGinnis 1-613
- 6.
7. Wayne WV
8. 9.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntingdon Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07021
2. 47-039-00884-0000
3. 108 000 000
4. Industrial Gas Corporation
5. E D Spilman 1-626
- 6.
7. Kanawha WV
8. 9.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntingdon Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07022
2. 47-039-00673-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Siler Coal Land Co 6-560
- 6.
7. Kanawha, WV
8. 11.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntingdon Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07023
2. 47-043-00512-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Pattie Porter 2-681
- 6.
7. Lincoln, WV
8. 8.0 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntingdon Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07024
2. 47-059-00015-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wislon Coal Land Co 11-528
- 6.
7. Mingo WV
8. 6.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntingdon Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07025
2. 47-099-00005-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Guyan Oil 4-543
- 6.
7. Wayne, WV
8. 1.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntingdon Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07026
2. 47-039-00747-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Siler Coal Land Co 9-582
- 6.
7. Kanawha, WV
8. 4.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntingdon Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07027
2. 47-039-00690-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Siler Coal Land Co 7-561
- 6.
7. Kanawha, WV
8. 8.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntingdon Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07028
2. 47-039-00781-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Siler Coal Land Co 10-592
- 6.
7. Kanawha, WV
8. 10.5 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntingdon Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07029
2. 47-099-00034-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hoard Baldwin 16-515
- 6.
7. Wayne, WV
8. 8.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntingdon Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07030
2. 47-099-00020-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hoard Baldwin 11-510
- 6.
7. Wayne, WV
8. 2.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntingdon Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07031
2. 47-043-00563-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Pattie Porter 4-693
- 6.
7. Lincoln, WV
8. 7.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntingdon Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07032
2. 47-043-00575-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Koontz Realty Co 2-705
- 6.
7. Lincoln, WV
8. 9.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntingdon Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07033
2. 47-099-00037-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 9-526
- 6.
7. Wayne, WV
8. 2.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntingdon Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07034
2. 47-039-00794-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Siler Coal Land Co 11-598
- 6.
7. Kanawha, WV
8. 10.5 million cubic feet
9. November 20, 1979

10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07035
 2. 47-039-00840-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Siler Coal Land Co 12-617
 - 6.
 7. Kanawha, WV
 8. 5.3 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07036
 2. 47-043-00541-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Pattie Porter 3-883
 - 6.
 7. Lincoln, WV
 8. 10.8 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07037
 2. 47-043-00552-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Koontz Realty Co 1-692
 - 6.
 7. Lincoln, WV
 8. 4.1 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07038
 2. 47-099-00038-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Wilson Coal Land Co 14-529
 - 6.
 7. Wayne, WV
 8. .7 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07039
 2. 47-099-00210-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Wilson Coal Land Co 26-577
 - 6.
 7. Wayne, WV
 8. 7.1 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07040
 2. 47-099-00137-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. B J Prichard 1-550
 - 6.
 7. Wayne, WV
 8. 3.6 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07041
 2. 47-099-00039-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Hoard Baldwin 15-514
 - 6.
 7. Wayne, WV
 8. 2.2 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07042
 2. 47-099-00043-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Wilson Coal Land Co 8-525
 - 6.
 7. Wayne, WV
 8. 5.2 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07043
 2. 47-099-00049-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Wilson Coal Land Co 20-535
 - 6.
 7. Wayne, WV
 8. 15.9 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07044
 2. 47-099-00053-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Wilson Coal Land Co 23-538
 - 6.
 7. Wayne, WV
 8. 2.5 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07045
 2. 47-099-00057-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Guyan Oil 5-544
 - 6.
 7. Wayne, WV
 8. 1.3 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens-Ford Co, Owens-Illinois Inc
1. 80-07046
 2. 47-099-00060-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Guyan Oil 6-545
 - 6.
 7. Wayne WV
 8. 3.9 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libbey-Owens Ford Co, Owens-Illinois Inc
1. 80-07047
 2. 47-099-00066-0000
 3. 108 000 000
4. Industrial Gas Corporation
 5. Wilson Coal Land Co 24-539
 - 6.
 7. Wayne WV
 8. 1.9 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07048
 2. 47-099-00194-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Hoard Baldwin 21-572
 - 6.
 7. Wayne WV
 8. .8 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07049
 2. 47-099-00561-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Wilson Coal Land Co 48-772
 - 6.
 7. Wayne WV
 8. 4.4 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07050
 2. 47-099-00200-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Koonce-Zimmerman 1-573
 - 6.
 7. Wayne WV
 8. 5.5 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07051
 2. 47-099-00211-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Hoard Baldwin 22-578
 - 6.
 7. Wayne WV
 8. 1.7 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07052
 2. 47-043-00937-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Stein & McComas 8-797
 - 6.
 7. Lincoln WV
 8. 6.0 million cubic feet
 9. November 20, 1979
 10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07053
 2. 47-045-00166-0000
 3. 108 000 000
 4. Industrial Gas Corporation
 5. Fannie White 1-738
 - 6.

7. Logan WV
8. 3.5 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07054
2. 47-099-00229-0000
3. 108 000 000
4. Industrial Gas Corporation
5. J D Baker 1-593
6.
7. Wayne WV
8. 11.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07055
2. 47-099-00222-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hoard Baldwin 23-585
6.
7. Wayne WV
8. 5.5 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07056
2. 47-099-00230-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 28-596
6.
7. Wayne WV
8. .6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07057
2. 47-099-00516-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Wilson Coal Land Co 46-765
6.
7. Wayne WV
8. 12.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07058
2. 47-099-00519-0000
3. 108 000 000
4. Industrial Gas Corporation
5. C T Fraley 2-768
6.
7. Wayne WV
8. 8.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07059
2. 47-099-00546-0000
3. 108 000 000
4. Industrial Gas Corporation
5. J N Hauser 2-770
6.
7. Wayne WV
8. 19.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07060
2. 47-005-01126-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 8-162
6.
7. Boone WV
8. 1.0 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07061
2. 47-099-00895-0000
3. 108 000 000
4. Industrial Gas Corporation
5. A J Gilkerson 2-894
6.
7. Wayne WV
8. 12.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07062
2. 47-005-01152-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Easter 1-263
6.
7. Boone WV
8. 5.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07063
2. 47-005-01151-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hiram Dolin 1-382
6.
7. Boone WV
8. 9.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07064
2. 47-005-01149-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Kessinger & Meyers 1-207
6.
7. Boone WV
8. 3.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07065
2. 47-005-01142-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B8-275
6.
7. Boone WV
8. 3.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07066
2. 47-005-01141-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B4-245
6.
7. Boone WV
8. 2.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07067
2. 47-005-01130-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Peytona Coal Co 14-304
6.
7. Boone WV
8. 8.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07068
2. 47-005-01143-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal B 7-290
6.
7. Boone WV
8. 3.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07069
2. 47-005-00527-0000
3. 108 000 000
4. Industrial Gas Corporation
5. L F Echols 2-628
6.
7. Boone WV
8. 1.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07070
2. 47-005-00528-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 40-629
6.
7. Boone WV
8. 3.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens Ford Co, Owens-Illinois Inc
1. 80-07071
2. 47-005-00519-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Bull Creek 18-621
6. Kanawha Forest Newburg
7. Boone WV
8. 13.6 million cubic feet
9. November 20, 1979
10. Libbey-Owens-Ford
1. 80-07072
2. 47-005-00489-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B24-600

6.
7. Boone WV
8. 1.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07073
2. 47-005-00499-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Bull Creek 17-603
6. Kanawha Forest Newburg
7. Boone WV
8. 16.0 million cubic feet
9. November 20, 1979
10. Libbey-Owens-Ford
1. 80-07074
2. 47-005-00505-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Lenning Estate 6-615
6.
7. Boone WV
8. 10.5 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07075
2. 47-005-00507-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 34-608
6.
7. Boone WV
8. 3.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07076
2. 47-005-00513-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 39-612
6.
7. Boone WV
8. 2.0 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07077
2. 47-005-00504-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B25-614
6.
7. Boone WV
8. 3.7 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07078
2. 47-005-00500-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 32-606
6.
7. Boone WV
8. 1.7 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07079
2. 47-005-00506-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 33-607
6.
7. Boone WV
8. 5.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07080
2. 47-005-00599-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B28-667
6.
7. Boone WV
8. 3.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07081
2. 47-005-00603-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 40-671
6.
7. Boone WV
8. 2.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07082
2. 47-005-00711-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B33-721
6.
7. Boone WV
8. 6.5 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07083
2. 47-043-00172-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B15-444
6.
7. Lincoln WV
8. 12.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07084
2. 47-005-00595-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 39-660
6.
7. Boone WV
8. 7.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07085
2. 47-005-00597-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B26-661
6.
7. Boone WV
8. 1.9 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07086
2. 47-005-00598-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B27-666
6.
7. Boone WV
8. 8.5 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07087
2. 47-005-00529-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 35-630
6.
7. Boone WV
8. 2.4 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07088
2. 47-005-00530-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 41-632
6.
7. Boone WV
8. 1.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07089
2. 47-005-00447-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Cassingham 30-562
6.
7. Boone WV
8. 3.5 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07090
2. 47-005-00443-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 25-549
6.
7. Boone WV
8. 2.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-Illinois Inc
1. 80-07091
2. 47-039-02979-0000
3. 108 000 000

4. Industrial Gas Corporation
5. L G Crenshaw 1-258
6.
7. Kanawha WV
8. 2.2 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07092
2. 47-039-02972-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Hancock 1-19
6.
7. Kanawha WV
8. 3.1 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07093
2. 47-005-00808-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B38-778
6.
7. Boone WV
8. 6.0 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc Huntington
Alloys Inc Libby-Owens Ford Co Owens-
Illinois Inc
1. 80-07094
2. 47-005-00809-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B39-779
6.
7. Boone, WV
8. 2.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens-Ford Co, Owens-
Illinois Inc
1. 80-07095
2. 47-005-00448-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryer 26-563
6.
7. Boone, WV
8. 2.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens-Ford Co, Owens-
Illinois Inc
1. 80-07096
2. 47-005-00712-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Allen & Pryor 45-726
6.
7. Boone, WV
8. 1.8 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens-Ford Co; Owens-
Illinois Inc
1. 80-07097
2. 47-005-00718-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B35-729
6.
7. Boone, WV
8. 3.4 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens-Ford Co, Owens-
Illinois Inc
1. 80-07098
2. 47-005-00719-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co A2-727
6.
7. Boone, WV
8. 5.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens-Ford Co, Owens-
Illinois Inc
1. 80-07099
2. 47-005-00721-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B36-730
6.
7. Boone, WV
8. 5.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens-Ford Co, Owens-
Illinois Inc
1. 80-07100
2. 47-005-00722-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Little Coal Ld Co B37-731
6.
7. Boone, WV
8. 5.2 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens-Ford Co, Owens-
Illinois Inc
1. 80-07101
2. 47-039-01968-FR00
3. 108 000 000
4. Industrial Gas Corporation
5. C G Crockett 8-370
6.
7. Kanawha, WV
8. 2.7 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07102
2. 47-039-01555-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marmet Coal Co 22-358
6.
7. Kanawha, WV
8. 5.2 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07103
2. 47-039-01431-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Winkler 3-65
6.
7. Kanawha, WV
8. 8.2 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07104
2. 47-039-01358-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Winkler 2-10
6.
7. Kanawha, WV
8. 5.9 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07105
2. 47-039-00657-0000
3. 108 000 000
4. Industrial Gas Corporation
5. C G Crockett 5-345
6.
7. Kanawha, WV
8. 1.3 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07106
2. 47-039-00294-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Siler Coal Land Co 1-453
6.
7. Kanawha, WV
8. 12.1 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens-Ford Co, Owens-
Illinois Inc
1. 80-07107
2. 47-039-01543-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marmet Coal Co 16-104
6.
7. Kanawha, WV
8. 3.2 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07108
2. 47-039-00324-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Siler Coal Land Co 2-469
6.
7. Kanawha, WV
8. 6.5 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens-Ford Co, Owens-
Illinois Inc
1. 80-07109
2. 47-039-00361-0000
3. 108 000 000
4. Industrial Gas Corporation
5. L A Meyers A 11-473
6.
7. Kanawha, WV
8. 5.6 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07110
2. 47-039-00371-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Siler Coal Land Co 3-478
6.
7. Kanawha, WV
8. 7.3 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington
Alloys Inc, Libby-Owens-Ford Co, Owens-
Illinois Inc
1. 80-07111
2. 47-005-00451-0000
3. 108 000 000
4. Industrial Gas Corporation
5. H C Ballard 4-565

6.
7. Boone, WV
8. 2.6 million cubic feet
9. November 20, 1979
10. Houdaille Industries Inc, Huntington Alloys Inc, Libby-Owens-Ford Co, Owens-Illinois Inc
1. 80-07112
2. 47-039-02939-0000
3. 108 000 000
4. Industrial Gas Corporation
5. L A Meyers A 6-294
6.
7. Kanawha, WV
8. 1.5 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07113
2. 47-039-01972-0000
3. 108 000 000
4. Industrial Gas Corporation
5. M Gardner 1-62
6.
7. Kanawha, WV
8. 6.2 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07114
2. 47-039-00651-0000
3. 108 000 000
4. Industrial Gas Corporation
5. C Q Crockett 4-333
6.
7. Kanawha, WV
8. 2.2 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07115
2. 47-039-01445-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marmet Coal Co 1-3
6.
7. Kanawha, WV
8. 4.3 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07116
2. 47-039-01446-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marmet Coal Co 21-119
6.
7. Kanawha, WV
8. 1.8 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07117
2. 47-039-01459-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marmet Coal Co 8-23
6.
7. Kanawha, WV
8. 3.5 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07118
2. 47-039-01535-0000
3. 108 000 000
4. Industrial Gas Corporation
5. Marmet Coal Co 14-78
6.
7. Kanawha WV
8. 4.6 million cubic feet
9. November 20, 1979
10. Cabot Corporation
1. 80-07119
2. 47-039-02954-0000
3. 108 000 000
4. Industrial Gas Corporation
5. C G Crockett 1-249
6.
7. Kanawha WV
8. 2.1 million cubic feet
9. November 20, 1979
10. Cabot Corporation
- U.S. Geological Survey, Metairie, La.
1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-07120/G9-771
2. 17-706-40334-0000-0
3. 102 000 000
4. Aminoil Development Inc
5. OCS-G-2089 No A-5
6. Vermilion
7. 325
8. 1825.0 million cubic feet
9. November 19, 1979
10. Transcontinental Gas Pipe Line Corp
- U.S. Geological Survey, Casper, Wyo.
1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-07168/CC-116-9
2. 05-103-07984-0000-0
3. 108 000 000
4. Lawrence Barker Jr
5. Government #17-2
6. South Douglas Creek
7. Rio Blanco Co
8. 14.0 million cubic feet
9. November 21, 1979
10. Northwest Pipeline Corporation
1. 80-07196/CC653-9
2. 05-103-08174-0000-0
3. 102 000 000
4. Twin Arrow Inc
5. Coors 3-23X
6. Cathedral
7. Rio Blanco Co
8. .0 million cubic feet
9. November 21, 1979
10. IGC Production Company
1. 80-07197/CC675-9
2. 05-103-08037-0000-0
3. 102 000 000
4. Twin Arrow Inc
5. Continental 1-16
6. Cathedral
7. Rio Blanco Co
8. .0 million cubic feet
9. November 21, 1979
10. IGC Production Company
1. 80-07198/CC781-9
2. 05-103-08265-0000-0
3. 103 000 000
4. Donald C Slawson Oil Producer
5. Federal #9-4
6. Cathedral Mancos B
7. Rio Blanco Co
8. 100.0 million cubic feet
9. November 21, 1979
10. Northwest Pipeline Corp
1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-07169/M199-9
2. 25-071-21433-0000-0
3. 102 000 000
4. Midlands Gas Corporation
5. 1260 No. 1 Federal
6. Bowdoin
7. Phillips, MT
8. 18.0 million cubic feet
9. November 21, 1979
10. Kan-Neb Nat Gas Co Inc
1. 80-07170/M229-9
2. 25-071-21407-0000-0
3. 108 000 000
4. Midlands Gas Corporation
5. 1121 No. 1 Federal
6. Bowdoin
7. Phillips, MT
8. 18.0 million cubic feet
9. November 21, 1979
10. Kan-Neb Nat Gas Co Inc
1. 80-07171/M237-9
2. 25-071-21331-0000-0
3. 108 000 000
4. Midlands Gas Corporation
5. 1561 15-36-31
6. Bowdoin
7. Phillips, MT
8. 12.0 million cubic feet
9. November 21, 1979
10. Kan-Neb Nat Gas Co Inc
1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-07193/ND513-9A
2. 33-053-00731-0000-0
3. 102 000 000 denied
4. Shell Oil Company
5. USA 11x-11-4
6. Mondak Field
7. McKenzie, ND
8. 32.5 million cubic feet
9. November 21, 1979
10. Montana Dakota Utilities Co
1. 80-07194/ND513-9B
2. 33-053-00731-0000-0
3. 102 000 000

4. Shell Oil Company
5. USA 11x-11-4
6. Mondak
7. McKenzie, ND
8. 32.5 million cubic feet
9. November 21, 1979
10. Montana Dakota Utilities Co
1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-07173/UC458-9A
2. 43-047-30399-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 36-7B 30399
6. Natural Buttes Unit
7. Uintah, UT
8. 30.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Co
1. 80-07174/W459-9A
2. 43-047-30404-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 34-17B 30404
6. Natural Buttes Unit
7. Uintah, UT
8. 10.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Co
1. 80-07175/UC461-9A
2. 43-047-30380-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 30-18B 30380
6. Natural Buttes Unit
7. Uintah, UT
8. 50.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Co
1. 80-07176/UC462-9A
2. 43-047-30368-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 29-5B 30368
6. Natural Buttes Unit
7. Uintah, UT
8. 50.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Co
1. 80-07177/UC463-9A
2. 43-047-30367-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 28-4B 30367
6. Natural Buttes Unit
7. Uintah, UT
8. 2.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Co
1. 80-07178/UC464-9A
2. 43-047-30364-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 26-13B 30364
6. Natural Buttes Unit
7. Uintah, UT
8. 5.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Co
1. 80-07179/UC465-9A
2. 43-047-30381-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 27-1B 30381
6. Natural Buttes Unit
7. Uintah, UT
8. 2.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Co
1. 80-07180/UC467-9A
2. 43-047-30328-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 19-21B 30328
6. Natural Buttes Unit
7. Uintah, UT
8. 5.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Co
1. 80-07181/UC468-9A
2. 43-047-30318-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 18-26B 30318
6. Natural Buttes Unit
7. Uintah, UT
8. 5.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Co
1. 80-07182/UC469-9A
2. 43-047-30317-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 17-18B30317
6. Natural Buttes Unit
7. Uintah UT
8. 2.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company
1. 80-07183/UC470-9A
2. 43-047-30316-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 16-6B30316
6. Natural Buttes Unit
7. Uintah UT
8. 130.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company
1. 80-07184/UC471-9A
2. 43-047-30296-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 15-29B30296
6. Natural Buttes Unit
7. Uintah UT
8. 90.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company
1. 80-07185/UC473-9A
2. 43-047-30294-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 13-8B30294
6. Natural Buttes Unit
7. Uintah UT
8. 500.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company
1. 80-07186/UC476-9A
2. 43-047-30275-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 8-20B30275
6. Natural Buttes Unit
7. Uintah UT
8. 110.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company
1. 80-07187/UC482-9A
2. 43-047-30363-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 25-20B30363
6. Natural Buttes Unit
7. Uintah UT
8. 5.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company
1. 80-07188/UC479-9A
2. 43-047-30464-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 55-10B30464
6. Natural Buttes Unit
7. Uintah UT
8. 50.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company
1. 80-07189/UC483-9A
2. 43-047-30360-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 22-27B30360
6. Natural Buttes Unit
7. Uintah UT
8. 5.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company
1. 80-07190/UC484-9A
2. 43-047-30359-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 21-20B30359
6. Natural Buttes Unit
7. Uintah UT
8. 125.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company
1. 80-07191/UC487-9A
2. 43-047-30262-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 2-15B30262
6. Natural Buttes Unit
7. Uintah UT
8. 250.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company
1. 80-07192/UC488-9A
2. 43-047-30261-0000-0
3. 103 000 000
4. Gas Producing Enterprises Inc
5. NBU 1-7B 30261
6. Natural Buttes Unit
7. Uintah UT
8. 100.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company
1. 80-07193/UC759-9
2. 43-047-30376-0000-0
3. 102 000 000
4. Mapco Production Company
5. RBU 11-15F
6. Island Field
7. Uintah UT

8. 100.0 million cubic feet
9. November 21, 1979
10. Mountain Fuel Supply Company

United States Geological Survey, Casper, Wyoming

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

1. 80-07172/W383-9
2. 49-005-24537-0000-0
3. 103 000 000
4. UV Industries Inc
5. UV Federal No 1
6. Smeltenn
7. Campbell WY
8. 68.2 million cubic feet
9. November 21, 1979
10. McCulloch Gas Trans Company

1. 80-07195/W637-9
2. 49-037-21251-0000-0
3. 102 000 000
4. Marathon Oil Company
5. Tierney II Unit #2-26
6. Tierney II Unit
7. Sweetwater WY
8. 833.0 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company

1. 80-07200/W686-9
2. 49-037-20690-0000-0
3. 108 000 000
4. Santa Fe Energy Company
5. Canyon Creek 11-10
6. Canyon Creek (Wasatch)
7. Sweetwater WY
8. 3.1 million cubic feet
9. November 21, 1979
10. Colorado Interstate Gas Company

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

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before January 4, 1980.

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

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-39024 Filed 12-19-79; 8:45 am]
BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan. The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

S-JA-269, United States to Japan, 1,335.6 grams of normal uranium oxides as standards and reference materials to be used for calibration of equipment.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security. This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: December 17, 1979.

Harold D. Bengelsdorf,
Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-38979 Filed 12-19-79; 8:45 am]
BILLING CODE 6450-01-M

Proposed Subsequent Arrangement Between United States and the European Atomic Energy Community (EURATOM)

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy. The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following shipment:

WC-EU-142, United States to England, 42 grams uranium, containing 4 grams U-235 (9.9%) to be used for fuel structure research conducted under the Nuclear Regulatory Commission sponsored program for Experimental Verification of Steady-State Fuel Codes.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security. This subsequent

arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: December 17, 1979.

Harold D. Bengelsdorf,
Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-39082 Filed 12-19-79; 8:45 am]
BILLING CODE 6450-01-M

Office of Environment

Advisory Committee on Atmospheric Carbon Dioxide; Open Meeting

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:

Title: Advisory Committee on Atmospheric Carbon Dioxide.

Date and time: Thursday, January 10, 1980—9:00 a.m.

Place: Conference Room, Energy Building, Oak Ridge Associated Universities, Oak Ridge, Tennessee.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy—Room 8G087, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone—202-252-5187.

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee 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 contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., 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 give advice to the Department of Energy in the development of its role in environmental research dealing with the global effects of increasing levels of carbon dioxide from fossil fuel combustion and related matters. The Committee's guidance will be based on a thorough review of ongoing and planned national and international research activities in this area.

Tentative Agenda

Discussion of Purpose of Committee.
 Review of Recent Studies—Office of Science and Technology Policy; American Association for the Advancement of Science; Jason; and Others (Council on Environmental Quality, etc.).
 Review of Research Programs of Department of Energy; National Oceanic and Atmospheric Administration; National Aeronautics and Space Administration; Department of Agriculture; and National Science Foundation.
 Recent Development: SYNFUEL/SHALE; and Literature that clouds the issue.
 General Discussion.
 Public Comment (10 minute rule).

Issued at Washington, D.C., on December 14, 1979.

Georgia Hildreth

Director, Advisory Committee Management.

[FR Doc. 79-39081 Filed 12-19-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy**Fossil Energy Advisory Committee; Open Meeting**

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:

Title: Fossil Energy Advisory Committee (FEAC).

Date and time: Thursday, January 10, 1980—8:00 a.m.

Place: Nassau Bay Motor Inn, Granada Room, 1622 NASA Boulevard, Houston, Texas.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy—Room 8G087, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: 202-252-5187.

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee 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 contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received 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, SW., 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 Department of Energy with advice in developing through research, new and more efficient methods of mining, preparing and utilizing coal.

Tentative Agenda: Liquid Synthetic Fuels**Fossil Energy Program Status and Plans**

8:00—Opening Remarks—Dr. William E. Shoupp, Chairman, Fossil Energy Advisory Committee (FEAC).

8:15—Introduction and Welcoming Remarks—Mr. George Fumich, Jr., Acting Assistant Secretary for Fossil Energy.

8:30—Overview—Strategy, Plans, Progress, Timeframe—Mr. Roger W. A. LeCassie, Acting Principal Deputy Assistant Secretary for Fossil Energy.

9:00—FEAC Question and Answer Period on Strategy, Plans, Progress, Timeframe.

9:30—Recess.

Coal—Liquid Synthetic Fuels

9:45—Research and Development (R&D)—Dr. James D. Batchelor, Office of Coal Processing, Acting Deputy Assistant Secretary for Coal Research.

10:30—FEAC Question and Answer Period on R&D.

11:00—Major Projects—Mr. Elwood A. Lloyd, Major Projects Management, Program Director for Project Management.

11:30—FEAC Question and Answer Period.

12:00—Recess for lunch.

Oil Shale—Liquid Synthetic Fuels

1:00—Research and Development (R&D) Overview—Mr. Martin R. Adams, Acting Deputy Assistant Secretary for Oil & Gas Technology.

1:30—FEAC Question and Answer Period on R&D Overview.

Commercialization Plans

2:00—DOE Resource Applications—Dr. Ruth Davis, Acting Assistant Secretary for Resource Applications.

2:30—FEAC Question and Answer Period on Commercial Plans.

Industrial Viewpoint and Plans for Liquid Synthetic Fuels**3:00—FEAC Panel**

Chairman—Mr. Melbourne Fryback, Manager, Synfuel Division, SUNOCO Energy Development Company

Speaker—Mr. Richard G. Carlson, Director, Process Research, DOE Chemical U.S.A.

Speaker—Mr. John Hopkins, Senior Vice President, Union Oil Company

Speaker—Mr. Eric H. Reichl, Former President, Conoco Coal Development Company

Speaker—Dr. Robert E. Uhrig, Vice President, Florida Power and Light Company

4:30—Expansion of FEAC Role in Support of Fossil Energy—Mr. George Fumich, Jr., Acting Assistant Secretary for Fossil Energy.

5:00—Response to FEAC Comments on Underground Coal Mining R&D Program.

5:15—Public Comment (10 minute rule).

Issued at Washington, D.C., on December 14, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79-39080 Filed 12-19-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1377-5]

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Assistance

The Environmental Protection Agency (EPA) gives notice that the effective date of the Age Discrimination Act's prohibition of age discrimination is July 1, 1979, the date the Act's general implementing regulations became effective (44 FR 33763, June 12, 1979, to be codified at 45 CFR Part 90). The general regulations established standards for determining what is age discrimination and procedures for enforcing the Act. Recipients and beneficiaries under all programs receiving EPA assistance are therefore on notice that complaints alleging acts of age discrimination occurring on or after July 1, 1979, may be filed from July 1, 1979, forward. Any person, individually or as a member of a class or on behalf of others, may file a complaint with the EPA alleging discrimination prohibited by the Act. Address complaints concerning recipients and beneficiaries of EPA assistance to:

Director, Office of Civil Rights (A-105), Environmental Protection Agency, 401 Waterside Mall SW., Washington, D.C. 20460.

EPA will screen all complaints and refer those considered sufficient under the Act and general regulations to the Federal Mediation and Conciliation Service (FMCS), Washington, D.C., for mediation. The FMCS began mediating complaints on November 1, 1979.

The Act states that a complainant may file a civil action 180 days from the date the complaint was filed if the agency has taken no action, or upon the date the agency makes a determination in favor of the recipient. For purposes of exhaustion of administrative remedies within the Environmental Protection Agency, the 180 day period will run from the date the complaint is filed. In cases where the Environmental Protection Agency has taken no action on a complaint, and 180 days have passed, the complainant retains the options either to file a civil action, or to pursue

the complaint through EPA's administrative process.

Doris C. Thompson,
Office of Civil rights (A-105), Environmental
Protection Agency.
December 10, 1979.
[FR Doc. 79-38851 Filed 12-19-79; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on AM Broadcasting in Region 2; Establishment

The Federal Communications Commission has determined that establishment of an Advisory Committee on AM Broadcasting in Region 2 is necessary and in the public interest. The purpose of the Committee is to advise the Commission concerning preparations for, and participation in, the 1980 and 1981 sessions of the International Telecommunication Union's Regional Administrative Conference. At this Conference, the governments of countries in the Western Hemisphere will seek to establish agreements governing the use of the AM Broadcast Band in Region 2.

The Committee Management Secretariat of the General Services Administration concurred in the establishment of this Committee on December 13, 1979. Individuals desiring additional information concerning this Committee may call either Wilson Lafollette (632-9660) or Louis Stephens (632-6302).

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 79-38945 Filed 12-19-79; 8:45 am]
BILLING CODE 6712-01-M

Organization of Advisory Committee on AM Broadcasting in Region 2

December 17, 1979.

The International Telecommunication Union (ITU) will convene a two-part Region 2 (the Americas) Administrative Radio Conference (RARC) on AM broadcasting beginning March 10, 1980, with a preparatory session followed by a plenary session in 1981. This Conference will be empowered to develop agreements regarding the use of the AM broadcast spectrum by the administrations of Region 2. The United States as a signatory party to the ITU Convention and its attachments, including the Radio Regulations, will participate in the RARC.

"The Advisory Committee on AM Broadcasting in Region 2," has been created in order to assist the FCC representatives responsible for participating in the Conference. Mr. Charles H. Breig will be the Chairman. The first meeting is scheduled for Monday, January 7, 1980, at the FCC Annex, 1229 20th Street, N.W., Washington, D.C., Room A-110 beginning at 9:30 a.m. The Agenda is as follows:

1. Call to order by Chairman.
2. Announcements and introductions.
3. Organization of the Committee and designation of its members.
4. Discussion of tasks to be assigned to the task groups.
5. Task group membership assignments and completion dates for reports.
6. Other business.
7. Schedule of future meetings.
8. Adjournment.

All interested parties are invited to attend, and may submit comments, in writing, addressed to Mr. Charles H. Breig, Broadcast Bureau, Federal Communications Commission, 1919 "M" Street, N.W., Room 322-C, Washington, D.C. 20554.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 79-38959 Filed 12-19-79; 8:45 am]
BILLING CODE 6712-01-M

[CC Docket No. 79-87; FCC 79-782]

American Telephone & Telegraph Co.; Authorization To Construct and Operate a Domestic Communications Satellite System

Adopted: November 29, 1979.
Released: December 14, 1979.

By the Commission:

1. By Order 71 FCC 2d 543, released April 20, 1979 (44 FR 24633, April 26, 1979), the Commission instituted this proceeding under Section 403 of the Communications Act to determine whether all or any portion of the past and future costs and expenses incurred by the American Telephone and Telegraph Company or General Telephone and Electronics Company in connection with the COMSTAR domestic satellite system should be removed from the revenue requirement and charged against surplus.

2. The investigatory record in this proceeding is now complete, and has been certified to this Commission by the Presiding Judge. In addition, the Common Carrier Bureau, as required by paragraph 22 of our instituting Order,

supra, has reported its initial findings and recommendations to us.

3. Among other things, the Bureau recommends that we release their report and the certified record for comment by AT&T and other persons. We believe that release of the report and record for public comment has substantial merit, since the subject matter is highly technical and the views of interested persons may be helpful to the staff in preparing a final report and recommendations in this proceeding. We shall also direct that a public notice advising as to the location of the certified record and the Bureau's report and recommendation be released simultaneously with this order. Upon receipt of the responsive comments, the Common Carrier Bureau shall prepare and submit to us its final report and recommendations.

4. Accordingly, it is ordered, on the Commission's own motion, pursuant to Sections 4(i), 4(j), and 403 of the Communications Act of 1934, as amended, that all interested persons may file comments on the report and recommendations of the Bureau in this proceeding, as well as the underlying record, on or before January 30, 1980. The Common Carrier Bureau shall submit its final report and recommendations on or before March 30, 1980.

5. It is further ordered, That the Chief, Common Carrier Bureau, is delegated authority to modify dates and procedures, if necessary.

6. It is further ordered, That the Secretary shall cause this Order as well as a Public Notice setting forth the location of the Bureau's Report to the Commission and the certified record to be published in the Federal Register.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 79-38961 Filed 12-19-79; 8:45 am]
BILLING CODE 6712-01-M

[CC Docket No. 79-87; FCC 79-849]

Location of Report and Certified Record in the Matter of Inquiry into Utilization of Comstar Domestic Satellite System by American Telephone & Telegraph Co. and GTE Satellite Corp.

December 14, 1979.

By Order 71 FCC 2d 543, released April 20, 1979, the Commission instituted a proceeding under Section 403 of the Communications Act to determine whether all or any portion of the past and future costs and expenses incurred by the American Telephone and

Telegraph Company or GTE Satellite Corporation in connection with the COMSTAR domestic satellite system should be removed from the revenue requirement and charged against surplus. That investigation is now complete, and the record has been certified to the Commission by the Presiding Judge. Moreover, the Common Carrier Bureau has forwarded their report and recommendations for the Commission's consideration.

By Order FCC 79-782, released simultaneously today, the FCC has determined to elicit comment by interested persons, AT&T and GSAT on the report and the certified record. Comments are being sought on, among other topics, the staff's tentative conclusion that the factual record developed in its investigation does not warrant disallowance in this case. The report also seeks comment on what standards the Commission should employ in evaluating carrier use of previously authorized facilities.

Comments on the report are due by January 30, 1980, and the Common Carrier Bureau is expected to submit its final report and recommendations by March 30, 1980.

Copies of the staff report may be obtained from Virginia L. Carter, Enforcement Division, 2025 M Street, N.W., Room 6202A, Washington, D.C. 20554 (Telephone (202) 632-4887). The certified record shall be open for public inspection in Room 239 of the Commission Offices, 1919 M Street, N.W., Washington, D.C. 20554, during normal business hours.

Action by the Commission November 29, 1979. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, Brown and Jones.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 79-38960 Filed 12-19-79; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket No. 79-276, File No. BPH-10628; BC Docket No. 79-277, File No. BPH-10896]

Phillips Radio, Inc., and Chickasaw Broadcasting Associates; Correction

Released: December 17, 1979.

The ERRATUM (Mimeo No. 24437) (44 FR 64562, November 7, 1979) released December 13, 1979 inadvertently omitted a correction to the company name "Chickasaw Broadcasting Associates" should be corrected to read "Chickasaw Broadcasting Associates".

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 79-38958 Filed 12-19-79; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Federal Council on the Aging

Long Term Care Committee

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress, on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1, sec. 10, 1976) that the Committee will hold a meeting on Tuesday, January 8, from 9:30 a.m. to 12:30 p.m. in Room 3065 Switzer Building, 330 C Street, SW., Washington, D.C. 20201.

The agenda will consist of a discussion with Federal officials on the key long term care policy issues and the Committee's 1980 workplan from 9:30 a.m. to 12:30 p.m.

Further information on the Council may be obtained from the Federal Council on the Aging, Washington, D.C. 20201, telephone (202) 245-0441. FCA meetings are open for public observation.

Dated: December 13, 1979.

Nelson H. Cruikshank,
Chairman, Federal Council on the Aging.

[FR Doc. 79-38952 Filed 12-19-79; 8:45 am]
BILLING CODE 4110-92-M

Health Resources Administration

Graduate Medical Education National Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of January 1980:

Name: Graduate Medical Education National Advisory Committee.
Date and time: January 21-25, 1980, 8:30 a.m.
Place: Room 525 A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.
Open for entire meeting.

Purpose: The Graduate Medical Education National Advisory Committee is responsible for advising and making

recommendations with respect to: (1) present and future supply and requirements of physicians by specialty and geographic location; (2) ranges and types of numbers of graduate training opportunities needed to approach a more desirable distribution of physician services; and (3) the impact of various activities which influence specialty distribution and the availability of training opportunities including systems of reimbursement and the financing of graduate medical education.

Agenda: A discussion of GMENAC modeling work in the areas of general surgery, plastic surgery, otolaryngology, thoracic surgery, orthopedic surgery, neurosurgery, urology, ophthalmology, obstetrics-gynecology, dermatology, child and adult medical care; review of education environment, nonphysician and financing issues.

Due to limited seating, attendance by the public will be provided on a first-come, first-serve basis.

Anyone wishing to obtain a roster of members, minutes of meeting, other relevant information, or specific details for each day should contact Mr. Paul Schwab, Executive Secretary, Room 10-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 438-7170.

Agenda items are subject to change as priorities dictate.

Dated: December 14, 1979.

Cyrus Young,
Acting Associate Administrator for
Operations and Management.

[FR Doc. 79-38962 Filed 12-19-79; 8:45 am]
BILLING CODE 4110-83-M

Advisory Council and Subcommittees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of January 1980:

Name: National Guidelines, Goals, Priorities, and Standards Subcommittee of the National Council on Health Planning and Development.

Date and Time: January 10, 1980; 10:00 a.m.-12:00 Noon.

Place: Hubert H. Humphrey Building, Conference Rooms 703A-705A, 200 Independence Ave., S.W., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The objectives of the National Guidelines, Goals, Priorities, and Standards Subcommittee are to study the experience nationwide in the public and private sectors with the adoption and/or adjustment of the

National Guidelines for Health Planning and their impact and recommend changes as appropriate; study the experience of the Health Systems Agencies and State Health Planning and Development Agencies nationwide in implementation of high priority goals and sub-goals and their impact; advise the Council in identifying additional high priority goals and sub-goals; investigate and coordinate information on demonstrations underway by provider, reimbursement, regulatory, labor, industry, and community groups on sub-goals, such as those on alcoholism and prevention; study, investigate and identify research needs appropriate to the formulation, adjustment and refinement of the National Guidelines, and study and develop improved indicators to assess the impact of the Guidelines or the need for revisions; and recommend to the Council on the need for further development and/or revision of the National Guidelines.

Agenda: The Subcommittee will devote fulltime to discussion on the Draft National Health Planning Goals. The meeting may be extended to the afternoon.

Name: Technology and Productivity Subcommittee of the National Council on Health Planning and Development
Date and Time: January 10, 1980; 3:00 p.m.—5:00 p.m.

Place: HEW North Bldg., Room 4131, 330 Independence Ave., S.W., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The objective of the Technology and Productivity Subcommittee is to advise the full Council on matters related to the productivity of the health care delivery system and to the implications of new medical technology for the organization, delivery and equitable distribution of health care services. "Technology" includes the drugs, devices and medical and surgical procedures used in medical care and the organizational and supportive systems within which such care is delivered. "Productivity" is the efficiency with which health care is delivered.

The Subcommittee is to deliberate and to make recommendations to the full Council on matters chosen from among those brought to it by Council members, HEW staff and advisory committees, other Federal departments, congressional committees and staff, provider groups and the public at large. The Subcommittee in addition will study and investigate the current needs for assistance of HSAs and SHPDAs in the area of evaluating productivity improvement and new medical

technology, help transmit concerns of HSAs and SHPDAs to appropriate Federal agencies, and review the current resources both within the Federal Government and among the educational, research and other developmental agencies for providing needed assistance to HSAs and SHPDAs. In addition, it will review technology assessment activities within the Department in order to assure they are relevant to the needs of the HSAs and are useful in the development and implementation of national standards, goals, and guidelines, and for the establishment of priorities with those goals.

Agenda: The Subcommittee will review progress on the Study on Productivity.

Name: Implementation and Administration Subcommittee of the National Council on Health Planning and Development.
Date and Time: January 10, 1980; 5:00 p.m.—7:00 p.m.
Place: Hubert H. Humphrey Bldg., Conference Rooms 703A-705A, 200 Independence Ave., S.W., Washington, D.C. 20201.
Open for entire meeting.

Purpose: The objective of the Implementation and Administration Subcommittee is to study and make recommendations on the implementation and administration of Titles XV and XVI of the Public Health Service Act. Specific areas for the Subcommittee's consideration are (1) the impact of HEW's implementation/administration on the effectiveness of Health Systems Agencies and State Health Planning and Development Agencies; (2) the effectiveness of the interrelationships between health planning agencies and HEW, Central and Regional Offices; (3) the timing and strategy of implementation and of the dissemination and distribution of regulatory and technical material; (4) how to better meet the needs of HSAs and SHPDAs; and (5) the review of the Council's responsibilities under section 1122 of the Social Security Act.

Agenda: Subcommittee will review section 1122 policy issues and one case referred from the Regional Health Administrator, Methodist Hospital, Pikesville, Kentucky.

Name: National Council on Health Planning and Development.
Date and Time: January 11, 1980; 8:45 a.m.—3:30 p.m.

Place: Hubert H. Humphrey Bldg., Penthouse, Room 800, 200 Independence Ave., S.W., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the

development of national guidelines under section 1501 of Public Law 93-641, (2) the implementation and administration of Titles XV and XVI of Public Law 93-641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: Staff reports on public comments on Draft National Health Planning Goals, Follow-up of Council recommendations on Access Concerns of Population Subgroups, Reports from Council Subcommittees: (1) National Guidelines, Goals, Priorities, and Standards, (2) Implementation and Administration and (3) Technology and Productivity; and Reports from the Administrator and Bureau Directors of the Health Resources Administration.

Anyone requiring information regarding the subject Council should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland, 20782. Telephone (301) 436-7175.

Agenda items are subject to change as priorities dictate.

Dated: December 17, 1979.

James A. Walsh,
Associate Administrator for Operations and Management.

[FR Doc. 79-38963 Filed 12-19-79; 8:45 am]

BILLING CODE 4110-83-M

Office of Education

Women's Educational Equity Act

AGENCY: Office of Education, HEW.

ACTION: Closing Date for Transmittal of Applications.

SUMMARY: The closing date of January 21, 1980 for the transmittal of applications for new general and small grants under the Women's Educational Equity Act Program is withdrawn. The new closing date will be announced when the final regulation for that program is published in the Federal Register.

SUPPLEMENTARY INFORMATION: A proposed regulation for the Women's Educational Equity Act Program was published in the Federal Register on May 25, 1979. Applicants were instructed to wait until the final regulation was published before preparing their applications. While the Commissioner anticipates that the final regulation will be published in the near future, retention of the January 21 closing date is no longer reasonable. As a result, that closing date is withdrawn. A new notice of closing date will be published at the time the final regulation appears in the Federal Register. That notice will include instructions for submitting applications and program information.

The Commissioner expects that important changes will be made in the final regulation, particularly with regard to program priorities. These priorities, and the percentage of funds allocated to each, will be described in the new notice of closing date.

FOR INFORMATION CONTACT: Dr. Leslie R. Wolfe, Women's Educational Equity Act Program, U.S. Office of Education, Room 2147, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245-2181.

(20 U.S.C. 3341-3348)

Dated: December 17, 1979.

(Catalog of Federal Domestic Assistance Number: 13.565 Women's Educational Equity Act Program)

John Ellis,

Executive Deputy Commissioner for Educational Programs

[FR Doc. 79-38955 Filed 12-19-79; 8:45 am]

BILLING CODE 4110-02-M

National Advisory Council on the Education of Disadvantaged Children; Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, Section 10(a)(2), notice is hereby given that the Search Committee of the National Advisory Council on the Education of Disadvantaged Children will meet on January 10, 1980, and a full Council meeting will be held on January 10, 11, and 12, 1980 in Washington, D.C.

On January 10, 1980, from 1-5:30 p.m., the Search Committee meeting will be closed to the public. The full Council

meeting shall be open to the public from 9:00 a.m. to 5:00 p.m. on January 11 and 12, 1980; however, if required, the session on Saturday, January 12, from 3:30 p.m. to 4:30 p.m., will also be closed to the public. The purpose of these closed sessions is to review and discuss personal documents of applicants being considered for the position of Executive Director. The discussion will involve issues of a personal nature, which, if discussed in open session, would be a clearly unwarranted invasion of personal privacy.

The National Advisory Council on the Education of Disadvantaged Children is established under section 196 of the Elementary and Secondary Education Act (20 U.S.C. 2852) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The main purpose of the two-day meeting is to hold discussions and consider issues for Council concern during fiscal year 1980. On January 12, the Council will have discussions on the needs of Council staff and determine how the staff should be organized.

Because of limited space, all persons wishing to attend should call for reservations by January 7, 1980. Any additional information regarding the above meetings may be obtained by calling Mrs. Lisa Haywood at area code 202/724-0114.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children located at 425-13th Street, N.W., Suite 1012, Washington, D.C. 20004. A summary of activities at the Search Committee meeting and the partially closed meeting will be available to the public within 14 days of the closed portion consistent with 5 U.S.C. 552b.

Signed at Washington, D.C. on December 17, 1979.

Gloria B. Strickland,

Acting Executive Director.

[FR Doc. 79-39087 Filed 12-19-79; 8:45 am]

BILLING CODE 4110-02-M

Office of the Assistant Secretary for Health

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, August list of qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and date of qualification of entities

determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition, service area revisions are reported of previously qualified HMOs.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the Federal Register. The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

Qualified Health Maintenance Organizations

Name, Address, Service Area, and Date of Qualification

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1. Health Alliance Plan of Michigan, (Medical Group Model, see Section 1310(b)(1) of the Public Health Service Act), 2650 W. Grand Blvd., Detroit, Michigan 48202. Service area: Macomb, Oakland, and Wayne Counties, Michigan. Date of qualification: February 16, 1979.

2. Independence Health Plan of Southeastern Michigan, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 600 Northland Towers East, 15565 Northland Drive, Southfield, Michigan 48075. Service area: ZIP codes in the following counties:

Macomb: 48015, 48021, 48028, 48043-45, 48047-48, 48066, 48080-82, 48077-78, 48087, 48094, 48089, 48091-93
Oakland: 48008-11, 48017-18, 48024-25, 48030, 48034, 48067, 48069-76, 48220, 48237
Wayne: 48101, 48111, 48120, 48122, 48124-27, 48134-35, 48138, 48141, 48146, 48150, 48152, 48154, 48164, 48173-74, 48180, 48183-85, 48187-88, 48192, 48195, 48203, 48205, 48215, 48218-19, 48221, 48223-25, 48227-29, 48230, 48234-36, 48238-40

Date of qualification: August 6, 1979.

3. ChoiceCare Health Services, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 1235 Riverside,* Fort Collins, Colorado 80521. Service area: Larimer and Weld Counties, Colorado. Date of qualification: August 12, 1979. (Transitionally qualified: August 12, 1976.)

* Note new address.

(Transitionally Qualified Health Maintenance Organizations: 42 CFR § 110.603(b))

1. Group Health Service of Michigan, Inc., (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 3150 Enterprise Drive, Saginaw, Michigan 48703. Service area: Zip codes in the following counties:

Saginaw: 48415, 48417, 48601-07, 48623, 48637, 48722, 48724, 48734
Tuscola: 48435, 48701, 48723, 48726, 48729, 48733, 48735-36, 48741, 48746, 48757-58, 48760, 48767-68
Isabella: 48858, 48878, 48883, 48893, 48896, 49310
Bay: 48611, 48613, 48631, 48634, 48650, 48708, 48732, 48747

Date of qualification: August 27, 1979.

Service Area Revisions

1. Anchor Organization for Health Maintenance, 1725 West Harrison Street Chicago, Illinois 60612. Service area: Add the following to the service area published on April 7, 1978, in the Federal Register (43 FR 14909)—DuPage County, Illinois. Effective date: August 3, 1979.

2. Bay Pacific Health Plan, Inc., 3080 La Selva, San Mateo, California 94403. Service area (current): San Mateo County, California. (See Federal Register (44 FR 53805) published on September 17, 1979.) Effective date: August 24, 1979.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Park Building, 3rd Floor, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified HMOs should be sent to the same office.

Dated: December 13, 1979.

Howard R. Veit,
Director, Office of Health Maintenance Organizations.

[FR Doc. 79-38974 Filed 12-19-79; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, September list of qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and date of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition,

service area revisions are reported of previously qualified HMOs.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the Federal Register. The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

Qualified Health Maintenance Organizations

Name, Address, Service Area, and Date of Qualification

(Operational Qualified Health Maintenance Organization: 42 CFR 110.603(a))

1. SHARE Health Plan, (Medical Group Model,¹ see Section 1310(b)(1) of the Public Health Service Act), 7920 Cedar Avenue South, Bloomington, Minnesota 55420.² Service area: Hennepin, Ramsey, Anoka, Washington, and Dakota, Counties, Minnesota, Date of qualification: July 18, 1979. (Transitionally qualified: June 30, 1976.) (Transitionally qualified Health Maintenance Organization: 42 CFR 110.603(b))

1. George Washington University Health Plan, Inc., (Medical Group Model, see Section 1310(b)(1) of the Public Health Service Act), 1229 Twenty-fifty Street, NW., Washington, D.C. 20037. Service area:

District of Columbia: Virginia-Arlington and Fairfax Counties, Falls Church, Fairfax, Alexandria, Manassas, and Manassas Park, and zip codes in the following counties: Loudoun-22011, 22020-1, 22041, and 22170; Prince William -22110 and 22191.

Maryland-Zip codes in the following counties:

Montgomery: 20012, 20014-16, 20034, 20729, 20760, 20766-68, 20795, 20810, 20832, 20850-55, 20880, 20901-04, 20906, 20910
Prince Georges: 20012, 20018, 20021-23, 20031, 20331, 20623, 20705, 20710, 20715, 20722, 20735, 20704, 20742, 20789-70, 20781-86, 20801, 20810, 20822, 20840, 20870

Date of qualification: July 18, 1979.

Service Area Revisions

1. Family Health Program, Inc., 2925 North Palo Verde Avenue, Long Beach,

¹ Note model change-effective September 19, 1979.

² Note change of address.

California 90815. Service area: Add the following to the service area published on April 30, 1979, in the Federal Register (44 FR 25267-8):

Ogden, Utah Zip codes as follows: 84015, 84037, 84041, 84050, 84067, 84302, 84310, 84315, 84317, 84340, 84401, 84403-04

Effective date: July 1, 1979.

2. MAXICARE, 4455 West 117th Street, Suite 502, Hawthorne, California 90250. Service area (current): Los Angeles and Orange Counties California; and the following zip codes in Ventura County, California: 91320-1, 91360-3, and 93065. (See Federal Register, 44 FR 24241 published on April 24, 1979, and 44 FR 53803 published on September 17, 1979.) Effective dates: July 3, and September 28, 1979.

3. West River Health Maintenance Organization, Box 671, Hettinger, North Dakota 58639. Service area (current): North Dakota—Adams County and cities in the following counties: Bowman—Bowman, Gascayne, Rhame, and Scranton; Grant—Carson, Elgin, Lark, Leith, New Leipzig, and Raleigh; Hettinger—Bentley, Burt, Mott, New England, and Regent; Slope—Amidon, and Marmarth. South Dakota—Corson, Harding, and Perkins Counties.

(See Federal Register, 44 FR 47810 published on August 15, 1979.) Effective date: September 28, 1979.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Park Building, 3rd Floor, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified HMOs should be sent to the same office.

Dated: December 10, 1979.

Howard R. Veit,
Director, Office of Health Maintenance Organizations.

[FR Doc. 79-38975 Filed 12-19-79; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, October list of qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and date of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition,

service area revisions are reported of previously qualified HMOs.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the Federal Register. The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

Qualified Health Maintenance Organizations

Name, Address, Service Area, and Date of Qualification

(Preoperational Qualified Health Maintenance Organizations: 42 CFR 110.603(c))

1. Genesee Health Care, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), G-4488 West Bristol Road, Flint, Michigan 48507. Service area: Genesee, Shiawassee and Lapeer Counties, Michigan. Date of qualification: October 1, 1979.

2. Rochester Area Health Maintenance Organization, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 220 Alexander Street, Suite 601, Rochester, New York 14607. Service area: Monroe County, including the City of Rochester, New York. Date of qualification: October 18, 1979.

3. Lane Group Health Services, Inc., d.b.a. SelectCare, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 1400 High Street, Suite C1, Eugene, Oregon 97401. Service area: Zip codes as follows:

Lane County: 97401-5, 97409, 97412-3, 97419, 97424, 97426-8, 97431-4, 97437-8, 97445, 97448, 97451-2, 97454, 97461, 97463, 97472, 97477, 97480, 97482, 97487-90

Date of qualification: October 29, 1979.

(Operational Qualified Health Maintenance Organization: 42 CFR 110.603(a))

1. Comprehensive Health Services of Detroit, Inc., (Medical Group Model, see Section 1310(b)(1) of the Public Health Service Act), 6500 John C. Lodge, Detroit, Michigan 48202. Service area: Zip codes in the following counties: Oakland: 48220, 48237

Wayne: 48201-16, 48219, 48221, 48223-8, 48230, 48234-8, 48238-40

Date of qualification: October 23, 1979.

Service Area Revisions

1. Community Group Health Plan, d.b.a. Prime Health, 6801 East 117th Street, Kansas City, Missouri 64134. Service area (current):

Kansas: Johnson and Wyandotte Counties.

Missouri: Jackson and zip codes in the following counties:

Cass: 64012, 64078, 64080, 64083, 64701, 64734, 64746

Clay: 64024, 64060, 64068, 64072-3, 64089-90, 64116-9, 64155-8, 64160-1, 64165-8

Platte: 64028, 64079, 64091-2, 64150-4, 64163-4, 64167, 64169

Effective date: October 12, 1979.

2. Health Maintenance Network of Southern California, d.b.a. Health Net, P.O. Box 9103, Van Nuys, California 91409. Service area: Add the following to the service area published on April 30, 1979, in the Federal Register, (44 FR 25266-7):

Los Angeles County: 91310, 91321, 91350, 91351, 91355, 93510, 93532, 93534, 93550

Ventura County: 91301, 91320, 91360-1, 93063, 93065

Orange County: 92630, 92651, 92653, 92677

San Bernardino County: 91739, 92316, 92318, 92324, 92335, 92354, 92376, 92401, 92408, 92410-1

Riverside County: 92223, 92236, 92253, 92306, 92324, 92340, 92343, 92349, 92383

Effective date: October 17, 1979.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Park Building, 3rd Floor, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified HMOs should be sent to the same office.

Dated: December 10, 1979.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 79-38276 Filed 12-19-79; 8:45 am]
BILLING CODE 4110-65-M

Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, Continued Regulation of Health Maintenance Organizations: Revocation of Federal Qualification.

SUMMARY: On July 3, 1979, the Director of the Office of Health Maintenance

Organizations (OHMO) revoked Federal qualification of Metro Health Plan, Inc. (Metro), 2921 West Grand Boulevard, Detroit, Michigan 48202. Metro's qualification was revoked after Metro merged with Health Alliance Plan (HAP) of Detroit, Michigan, another federally qualified HMO and consequently ceased to be a separate legal entity.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: 42 CFR 110.907 provides that the Secretary may release an entity from compliance with any assurances given under Title XIII of the Public Health Service Act (the Act) for good cause shown. If the waiver is of an assurance regarding the HMO's compliance with section 1301 of the Act then she will (with one exception not relevant here) revoke the HMO's qualification. Section 1301(a) and § 110.101(a) define the term "Health Maintenance Organization" to mean a "legal entity."

When Metro became a qualified HMO on October 17, 1978, it gave assurances to the Secretary that it would be operated in accordance with the requirements of Title XIII. On February 18, 1979, Metro merged with HAP (which had become a federally qualified HMO on February 16, 1979). Thus, as of February 18, Metro in effect voluntarily ceased to comply with the assurance it had given to the Secretary that it would be a legal entity in accordance with section 1301(a) and 42 CFR 110.101(a).

On July 3, 1979, the Director, OHMO, determined that the voluntary merger of one qualified HMO (Metro) with another (HAP) was good cause for the release from its assurances of the HMO (Metro) that was ceasing to operate as a legal entity. Accordingly, on that date, he released Metro from compliance with its assurances. Since this release involved compliance with section 1301, Metro's qualification was also revoked.

Dated: December 10, 1979.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 79-38277 Filed 12-19-79; 8:45 am]
BILLING CODE 4110-65-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 27963]

Montana; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal: Correction

December 14, 1979.

Federal Register Document 77-27383, page 47594, of the issue for Wednesday, September 21, 1977, which omitted a 40-acre tract is hereby corrected as follows:

Sec. 15, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Edgar D. Stark.

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-39002 Filed 12-19-79; 8:45 am]

BILLING CODE 4310-84-M

New Mexico Wilderness Inventory; Accelerated Intensive Wilderness Inventory Decision for Coyote Inventory Unit NM-020-036

December 12, 1979.

AGENCY: Bureau of Land Management.

ACTION: Decision and Notice.

SUMMARY: The New Mexico State Director of the Bureau of Land Management announces that lands within Coyote intensive inventory unit, NM-020-036, do not contain wilderness characteristics as described in section 2(c) of the Wilderness Act of 1964. As a result of this decision, and unless otherwise amended, the above-mentioned public land will be released from further wilderness consideration and the limitations imposed by section 603 of the Federal Land Policy and Management Act of 1976 no longer apply beginning thirty days after publication of this notice.

This decision was reached after a systematic intensive inventory and extensive opportunity for public involvement. Recommendations were presented for public review and comment on October 21, 1979. This date initiated a thirty day public comment period. During the public comment period, verbal and written testimony were accepted and a public meeting was held. Public comments unanimously supported the Bureau of Land Management's recommendation. Detailed information on the public comment analysis and the intensive report are available upon request from the Bureau of Land Management's New Mexico State Office.

This inventory is directed by the Federal Land Policy and Management Act of 1976 and is being conducted using

procedures identified in the Bureau of Land Management's Wilderness Inventory Handbook dated September 27, 1978. Copies of this handbook are available from any Bureau of Land Management Office.

ADDRESS: Send information requests to: State Director (930), Bureau of Land Management, United States Post Office and Federal Building, South Federal Place, P.O. Box 1449, Santa Fe, New Mexico 87501.

FOR FURTHER INFORMATION CONTACT: Dan Wood at the above Santa Fe, New Mexico address or call 505-988-6227.

Arthur W. Zimmerman,

State Director.

[FR Doc. 79-39003 Filed 12-19-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 9327]

Oregon; Termination of Proposed Withdrawal and Reservation of Lands

Notice of application OR 9327, filed by the Forest Service, U.S. Department of Agriculture, for withdrawal and reservation of lands was published as FR Document 72-18396 on page 23119 of the issue of October 28, 1972. The applicant agency has cancelled its application in its entirety. The lands involved are described as follows:

Willamette Meridian

Barnes Valley Road No. 375

T. 37 S., R. 14 E.,

Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 39 S., R. 14 E.,

Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 39 S., R. 15 E.,

Sec. 29, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 30, E $\frac{1}{2}$ NE $\frac{1}{4}$.

A strip of land 66 feet in width, being 33 feet in width on both sides of the centerline of the Barnes Valley Road No. 375.

The areas described aggregate 23 acres in Klamath County, Oregon.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), such land will be at 10 a.m. on January 25, 1980, relieved of the segregative effect of the above-mentioned application.

Dated: December 7, 1979.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-39000 Filed 12-19-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 10035]

Oregon; Termination of Proposed Withdrawal and Reservation of Lands

Notice of application, OR 10035, filed by the Forest Service, U.S. Department of Agriculture, for withdrawal and reservation of lands was published as FR Document 74-25500 on page 38680 of the issue of November 1, 1974. The applicant agency has cancelled its application in its entirety. The lands involved are described as follows:

Willamette Meridian

Fremont National Forest

River Road No. 330

T. 33 S., R. 18 E.,

Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, lots 1, 2, 4, 5, and 9;
Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 34 S., R. 18 E.,

Sec. 4, lots 5, 10, and W $\frac{1}{2}$ SW $\frac{1}{4}$.

A strip of land 100 feet in width, being 50 feet in width on each side of the centerline of the River Road No. 330, over and across said subdivisions.

The areas described aggregate approximately 30 acres in Lake County, Oregon.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), such lands will be at 10 a.m. on January 25, 1980 relieved of the segregative effect of the above-mentioned application.

Dated: December 7, 1979.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-39001 Filed 12-19-79; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 27548]

Order Providing for Opening of Public Lands and National Forest Lands

December 14, 1979.

1. The Federal Energy Regulatory Commission issued an order on February 13, 1978, (FR 43 pages 7350, 7357) (FR doc. 78-4647) vacating in their entirety lands withdrawn for power developments 130, 253, 351, 630 and 997, affecting all or portions of the following described public lands and National Forest lands:

Public Land; Sixth Principal Meridian

T. 5 S., R. 85 W., 6th P.M.

Section 32: Lots 5 and 6

San Isabel National Forest

T. 24 S., R. 73 W., 6th P.M.

Sec. 10: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 11: N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
Sec. 12: W $\frac{1}{2}$ NW $\frac{1}{4}$
Sec. 14: NW $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 15: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
Sec. 16: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

Sec. 17: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
 T. 15 S., R. 79 W., 6th P.M.
 Sec. 13: E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
 Sec. 23: NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$
 Sec. 24: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$
 Sec. 26: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$
 Sec. 27: S $\frac{1}{2}$ NE $\frac{1}{4}$
 Sec. 28: S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$
 Sec. 29: SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
 T. 14 S., R. 80 W., 6th P.M.
 Sec. 21: W $\frac{1}{2}$ SE $\frac{1}{4}$

White River National Forest

T. 6 S., R. 85 W., 6th P. M.
 Sec. 4: W $\frac{1}{2}$ W $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$
 Sec. 9: NW $\frac{1}{4}$ NW $\frac{1}{4}$

The areas described aggregate approximately 1770 acres.

2. At 10:00 a.m. on January 29, 1980 the portions of the public lands affected shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on January 29, 1980 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10:00 a.m. on January 29, 1980 the National Forest lands shall be open to such forms of appropriation as may be law be made of National Forest land.

Inquiries concerning the lands should be addressed to the undersigned at the Bureau of Land Management, 700 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

Robert D. Dinsmore,
 Chief, Branch of Adjudication.

[FR Doc. 79-38939 Filed 12-19-79; 8:45 am]
 BILLING CODE 4310-84-M

[Colorado 24402X]

R/W Application for Pipeline

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 for a 4 $\frac{1}{4}$ " o.d. natural gas pipeline for the East Douglas Creek Gathering System approximately 0.014 miles long, across the following Public Lands:

Sixth Principal Meridian, Rio Blanco County, Colo,

T. 3 S., R. 101 W.
 Sec. 10: SW $\frac{1}{4}$ NE $\frac{1}{4}$.

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.

Andrew W. Heard, Jr.,
 Leader, Craig Team Branch of Adjudication.

[FR Doc. 79-38938 Filed 12-19-79; 8:45 am]
 BILLING CODE 4310-84-M

[U-31065]

Utah; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, on October 28, 1975, filed application Serial No. U-31065 for a protective withdrawal of the following described lands in Uintah County, Utah

Salt Lake Meridian, Utah

T. 9 S., R. 22 E.,
 Sec. 12, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 Containing 60.00 acres.

The applicant desires that the lands known as the Devils Rock House, be withdrawn from location and entry under the General Mining laws, and reserved for protection of the scenic, fragile and unique geological features. A notice of the proposed withdrawal was published in the Federal Register on October 28, 1975, Volume 40, page 50115.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the

address shown below, on or before January 18, 1980. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to the attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before January 18, 1980.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: December 12, 1979.

Gary J. Wicks,
 State Director, Utah.

[FR Doc. 79-39004 Filed 12-19-79; 8:45 am]
 BILLING CODE 4310-84-M

**Fish and Wildlife Service
 National Park Service**

Cape Hatteras Electric Transmission Line, Dare and Hyde Counties, N.C.; Availability of Review of Alternatives on Environmental Assessment

In September 1979, the National Park Service and the U.S. Fish and Wildlife Service completed and placed on public review an Environmental Assessment considering the direct and indirect impacts on the human environment of alternatives for construction of an additional overhead powerline from the

north side of Oregon Inlet to Buxton as proposed by the Cape Hatteras Electric Membership Corporation. The assessment considered the resources of Cape Hatteras National Seashore and Pea Island National Wildlife Refuge as well as the effects on the communities involved.

After making a Review of Alternatives presented in the assessment and after public comment thereon, the National Park Service and the U.S. Fish and Wildlife Service have made a finding of no significant impact; therefore, an environmental impact statement will not be prepared.

Anyone needing additional information should contact the Regional Director, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, Georgia 30303, or the Superintendent, Cape Hatteras National Seashore, Route 1, Box 675, Manteo, North Carolina 27954. Limited copies are available at these locations for public distribution.

The easement to permit construction of the new line will be consummated at the end of the 30-day review period.

Dated: December 14, 1979.

Kenneth E. Black,
Regional Director, Southeast Region, Fish and Wildlife Service.

Dated December 14, 1979.

Joe Brown,
Regional Director, Southeast Region,
National Park Service.

[FR Doc. 79-38946 Filed 12-19-79; 8:45 am]
BILLING CODE 4310-55-M

JAPAN-UNITED STATES ECONOMIC RELATIONS GROUP

Privacy Act of 1974; Systems of Records

AGENCY: Japan-United States Economic Relations Group.

ACTION: Proposed Systems of Records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a, the Japan-United States Economic Relations Group hereafter known as the Group hereby publishes for comment those systems of records subject to the Privacy Act of 1974 which are maintained by the Group. Any person interested in commenting on the routine use portions of the system notices may do so by submitting comments in writing to the Executive Director of the Japan-United States Economic Relations Group, 11 Dupont Circle, N.W., Suite 802, Washington, D.C. 20036. Comments should be submitted on or before January 21, 1980. The Group's procedures for access to

records in the systems are contained in 1 CFR Part 490.¹

DATE: Comments are due on or before January 21, 1980. These systems will become effective on January 21, 1980 unless the Group publishes notice to the contrary.

ADDRESS: Send comments to the Executive Director, Japan-United States Economic Relations Group, 11 Dupont Circle, N.W., Suite 802, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Jack B. Button, (202) 673-6157.

Signed this 10th day of December 1979.

Jack B. Button,
Executive Director.

JER-01

SYSTEM NAME:

Payroll records—Japan-United States Economic Relations Group.

SYSTEM LOCATION:

General Services Administration, National Payroll Center; copies held by the Group. (GSA holds records for the Japan-United States Economic Relations Group.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and members of the Group.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by the Group and GSA employees to maintain adequate payroll information for the Group employees, and otherwise by the Group and GSA employees who have a need for the record in the performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. "Money and Finance", generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigations; and to private attorneys, pursuant to a power of attorney.

¹For the regulations proposed by the Japan-U.S. Economic Relations Group under the Privacy Act, see the "Proposed Rules" section of this issue of the Federal Register.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Director, Japan-United States Economic Relations Group, 11 Dupont Circle, N.W., Suite 802, Washington, D.C. 20036. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), a copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Executive Director.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and microfilm.

RETRIEVABILITY:

Social Security number.

SAFEGUARDS:

Stored in guarded building; released only to authorized personnel, including among others, GSA liaison staff and finance personnel; and the Group administrative staff.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Japan-United States Economic Relations Group, 11 Dupont Circle, N.W., Suite 802, Washington, D.C. 20036.

NOTIFICATION PROCEDURE:

Contact Executive Director or refer to the Group access regulations contained in 1 CFR Part 490.

RECORD ACCESS PROCEDURES:

Contact Executive Director or refer to the Group access regulations contained in 1 CFR Part 490.

CONTESTING RECORDS PROCEDURES:

Contact Executive Director or refer to the Group access regulations contained in 1 CFR Part 490.

RECORD SOURCE CATEGORIES:

The subject individual; the Group.

JER-02**SYSTEM NAME:**

General Financial Records—Japan-United States Economic Relations Group.

SYSTEM LOCATION:

General Services Administration, Central Office; copies held by the Group. (GSA holds records for the Japan-United States Economic Relations Group under contract.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and members of the Group.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

SF-1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Group who have a need for the record in the performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. "Money and Finance," generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper and tape:

RETRIEVABILITY:

Manual and automated by name.

SAFEGUARDS:

Stored in guarded building; released only to authorized personnel including among others, GSA liaison staff and finance personnel; and the Group administrative staff.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Japan-United States Economic Relations Group, 11 Dupont Circle, N.W. Suite 802, Washington, D.C. 20036.

NOTIFICATION PROCEDURE:

Contact Executive Director or refer to the Group access regulations contained in 1 CFR Part 490.

RECORDS ACCESS PROCEDURES:

Contact Executive Director or refer to the Group access regulations contained in 1 CFR Part 490.

CONTESTING RECORDS PROCEDURES:

Contact Executive Director or refer to the Group access regulations contained in 1 CFR Part 490.

RECORD SOURCE CATEGORIES:

The subject individual; the Group.

JER-03**SYSTEM NAME:**

General Informal Personnel Files—Japan-United States Economic Relations Group.

SYSTEM LOCATION:

Japan-United States Economic Relations Group.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The Group members, staff and consultants, past and present.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

Biographic information; correspondence with members of the Group.

AUTHORIZATION FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. "Government Organization and Employees", generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper.

RETRIEVABILITY AND ACCESSING:

Manual.

SAFEGUARDS:

Stored in lockable file cabinets, released only to authorized personnel, including among others, GSA liaison staff and the Group administrative staff.

RETENTION AND DISPOSAL:

Retained until no longer needed, then discarded.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Japan-United States Economic Relations Group, 11 Dupont Circle, N.W., Suite 802, Washington, D.C. 20036.

NOTIFICATION PROCEDURE:

Contact Executive Director or refer to the Group access regulations contained in 1 CFR Part 490.

RECORD ACCESS PROCEDURES:

Contact Executive Director or refer to the Group access regulations contained in 1 CFR Part 490.

CONTESTING RECORDS PROCEDURES:

Contact Executive Director or refer to the Group access regulations contained in 1 CFR Part 490.

RECORD SOURCE CATEGORIES:

The subject individual; the Group.

Appendix—Japan-United States Economic Relations Group

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the

requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, compliant, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc. 79-38909 Filed 12-19-79; 8:45 am]

BILLING CODE 6820-95-M

DEPARTMENT OF JUSTICE

[AAG/Order No. 38-79]

Privacy Act of 1974; New Systems of Records

Notice is hereby given, pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), that the Department of Justice proposes a new system of records to be maintained by the Immigration and Naturalization Service (INS).

The Integrated Case Control System (ICCS), JUSTICE-INS-005, is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the Federal Register. This administrative system of automated index and file summary records will replace paper

records now kept in manually operated indexes. The system will aid INS in the management of files and controls of the processing of various kinds of cases. It will also prepare routine casework correspondence and provide automated fees controls, workload statistics, and other management information.

JUSTICE/INS-999 List of principal offices of the Immigration and Naturalization, is also being added.

The Privacy Act of 1974 provides that the Congress be notified of proposed systems of records and that the public be given a 30-day period in which to comment on the routine uses of the systems. The Office of Management and Budget (OMB) requires a 60-day period in which to review the system before it is implemented. Therefore, the Congress, the public, and OMB are invited to submit written comments on this system.

Comments should be addressed to William J. Snider, Administrative Counsel, Justice Management Division, Room 1214, Department of Justice, Washington, D.C. 20530.

If no comments are received on or before February 19, 1980, the system will be implemented without further notice in the Federal Register. No oral hearings are contemplated.

A report of the proposed system has been provided to the President of the Senate, the Speaker of the House of Representatives, and the Director, OMB.

Dated: December 10, 1979.

Kevin D. Rooney,
Assistant Attorney General for
Administration.

JUSTICE/INS-005

SYSTEM NAME:

Integrated Case Control System (ICCS).

SYSTEM LOCATION:

District offices and suboffices of the Immigration and Naturalization Service (INS) in the United States, as detailed in JUSTICE/INS-999.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are covered by various provisions of the immigration and nationality laws of the United States, including current and former applicants or petitioners for benefits; petitioners for naturalization or citizenship; individuals under detention, supervised department, or deportation processes; individuals who are under investigation; students; and others whose case files have been assigned to the INS Office having jurisdiction over the individual's place of residence.

CATEGORIES OF RECORDS IN THE SYSTEMS:

The system contains automated index and summary records to aid in the management of files and administrative control of the processing of various kinds of active cases within each office where a part of this system is located:

A. "A-file" tracking: index records of individuals covered by the system, including name of person, identification or file number, location of file within the office, immigration status, case status (if any), processing checklist;

B. Application and petition control: name and address of applicant or petitioner and/or beneficiary and authorized representative (if any), date and country of birth, file number, form number of application of petition, date filed or received, control number, status, case assignment, scheduling data;

C. Automated file summary: name, file number, abstracts of documents on file in permanent manual file;

D. Closed file docket: name, file number, Federal Records Center accession number and location, date closed;

E. Deportation and detention docket control: name, file number, charge, amount of bond, hearing date, case assignment, scheduling data;

F. Investigations control: name, file number, reason for investigation, case assignment, scheduling data;

G. Naturalization and citizenship docket control: name, file number, petition number, date of receipt of petition, date and place of filing, number of court where petition was filed, code of authorized representative (if any), scheduling data;

H. Student registration control: name, file number, date of admission, length of approved stay, school attended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information regarding the status and progress of cases is disseminated to the individuals or their authorized representatives, concerned employees of INS and other components of the Department of Justice, officials of other Federal law enforcement agencies, Members of Congress, and to the President. No personal information from this system of records is disseminated outside the Department of Justice.

Release of information to the news media and the public: Information permitted to be released to the news

media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disks, tapes, and other computer-readable media.

RETRIEVABILITY:

Records are retrieved by the name or file number of the individual, control number of the case, date of filing or last action, pending status, case assignment, or scheduling data.

SAFEGUARDS:

The data is safeguarded and protected in accordance with Department of Justice and INS rules and procedures. INS offices are located in buildings under security guard, and access to premises is by official identification. Access to terminals is restricted to INS employees, and access to records is further protected by the use of passwords and controlled data base search arguments.

RETENTION AND DISPOSAL:

Case control records (those identified under "Categories of records in the system" as "B," "C," "E," "F," "G," and "H") are deleted from the automated data base ninety (90) days after final action. File index records (those identified under "Categories of records in the system" as "A" and "D") are deleted six months after disposal of the manual files.

SYSTEM MANAGER(S) AND ADDRESS

Associate Commissioner, Operations Support, Central Office; District Director or Officer in Charge in each office where a part of this system is located.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the District Director or Officer in Charge of the INS office where the file is located. If the file location is not known, inquiries may be addressed to the Associate Commissioner, Operations Support, 425 I Street NW, Washington, DC 20536. To enable INS to identify whether the system contains a record relating to an individual, the requester must provide the individual's full name, date of birth, and place of birth; description of subject matter; and, if known, the related file number.

RECORD ACCESS PROCEDURE:

A person desiring access to a record shall submit his request in writing to the agency official designated under "Notification procedure" above. He must also identify the record by furnishing the information listed under that procedure. If a request to access a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request", and a return address must be provided for transmitting any record to him.

CONTESTING RECORD PROCEDURES:

A person desiring to contest a record shall submit his request in writing to the agency official designated under "Notification procedure" above. He must also identify the record by furnishing the information listed under that caption and clearly stating which record(s) is being contested, the reason(s) for contesting, and the proposed amendment(s) to the record(s). If a request to access or contest a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request", and a return address must be provided for transmitting any information to him.

RECORD SOURCE CATEGORIES:

Data is obtained from official INS records pertaining to the individuals, together with reference and locator data from the centralized Master Index of INS case files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Justice/INS-999

SYSTEM NAME:

INS Appendix: List of principal offices of the Immigration and Naturalization Service.

Central Office: Immigration and Naturalization Service; 425 "I" Street NW, Washington, DC 20536.

Regional Offices:

Easter Regional Office, Federal Building, Burlington, VT 05401.

Northern Regional Office, Fort Snelling, Twin Cities, St. Paul, MN 55111.

Southern Regional Office, First International Building, 1201 Elm Street, Room 2300, Dallas, TX 75270.

Wester Regional Office, Terminal Island, San Pedro, CA 90731.

District Offices in the United States:

Anchorage District Office, Federal Building, U.S. Courthouse, Room D-229, 701 "C" Street, Anchorage, AK 99513.

Atlanta District Office, Richard B. Russell Federal Building, Room 1408, 75 Spring Street SW, Atlanta, GA 20303.

Baltimore District Office, E. A. Garmatz Federal Building, 100 South Hanover Street, Baltimore, MD 21201.

Boston District Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, MA 02203.

Buffalo District Office, 68 Court Street, Buffalo, NY 14202.

Chicago District Office, Dirkson Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604.

Cleveland District Office Anthony J. Celebrezze Federal Building, Room 1917, 1240 East Ninth Street, Cleveland, OH 44199.

Dallas District Office, Federal Building, Room 6A21, 1100 Commerce Street, Dallas, TX 75242.

Denver District Office, Federal Office Building, Room 17027, Denver, CO 80202.

Detroit District Office, Federal Building, 333 Mt. Elliott Street, Detroit, MI 48207.

El Paso District Office, U.S. Courthouse, Room 343, El Paso, TX 79984.

Harlingen District Office, 719 Grimes Avenue, Harlingen, TX 78550.

Hartford District Office, 900 Asylum Avenue, Hartford, CT 06105.

Helena District Office, Federal Building, Room 512, 301 South Park Helena, Mt 59601.

- Honolulu District Office, 595 Ala Moana Boulevard, Honolulu, HI 96809.
- Houston District Office, Federal Building, U.S. Courthouse, 515 Rusk Avenue, Houston, TX 77208.
- Kansas City District Office, 324 East Eleventh Street, Suite 1100, Kansas City, MO 64108.
- Los Angeles District Office, 300 North Los Angeles Street, Los Angeles, CA 90012.
- Miami District Office, Federal Building, Room 1324, 51 SW First Avenue Miami, FL 33130.
- Newark District Office, Federal Building, 970 Broad Street, Newark, NJ 07102.
- New Orleans District Office, Postal Services Building, 701 Loyola Avenue, New Orleans, LA 70113.
- New York District Office, 26 Federal Plaza, New York, NY 10007.
- Omaha District Office, 106 South 15th Street, Omaha, NE 68102.
- Philadelphia District Office, U.S. Courthouse, Room 1321, 601 Market Street, Philadelphia, PA 19106.
- Phoenix District Office, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.
- Portland, Maine, District Office, 76 Pearl Street, Portland, ME 04112.
- Portland, Oregon, District Office, Federal Office Building, 511 NW Broadway, Portland, OR 97209.
- St. Albans District Office, Federal Building, St. Albans, VT 05478.
- St. Paul District Office, New Post Office Building, Room 932 180 East Kellogg Boulevard, St. Paul, MN 44101.
- San Antonio District Office, U.S. Federal Building, Suite A301, 727 East Durango, San Antonio, TX 78208.
- San Diego District Office, 880 Front Street, San Diego, CA 92188.
- San Francisco District Office, 630 Sansome Street, San Francisco, CA 94111.
- San Juan District Office, GPO Box 5068, San Juan, PR 00936.
- Seattle District Office, 815 Airport Way, South Seattle, WA 98134.
- Washington, DC, District Office, 1025 Vermont Avenue NW, Washington, DC 20538.
- District Offices in Foreign Countries:
 Hong Kong District Office, U.S. Immigration and Naturalization Service, c/o American Consulate General, Box 30, FPO San Francisco, Ca 96859.
- Mexico District Office, U.S. Immigration and Naturalization Service, c/o American Embassy Aparato Postal 88 BIS, Mexico City 5, D.F., Mexico.
- Rome District Office, Immigration and Naturalization Service, c/o American Embassy, APO New York, NY 09794.
- Suboffices (Files Control Offices) in the United States:
 Agana Office, 801 Pacific News Building, 238 O'Hara Street, Agana, GU 96910.
- Albany Office, U.S. Postoffice and Courthouse, Room 220 Albany, NY 12207.
- Charlotte Office, Charles R. Jonas Federal Building, 401 West Trade Street Charlotte, NC 28231.
- Cincinnati Office, U.S. Post Office and Courthouse, 5th and Walnut Streets, Cincinnati, OH 45201.
- Hammond Office, Federal Building, Room 104, 507 State Street, Hammond, IN 46320.
- Las Vegas Office, Federal Building, U.S. Courthouse, 300 Las Vegas Boulevard, South Las Vegas, NV 89101.
- Memphis Office, Federal Building, Room 814, 167 North Main Street, Memphis, TN 38103.
- Milwaukee Office, 186 Federal Building, Room 186, 517 East Wisconsin Avenue, Milwaukee, WI 53202.
- Norfolk Office, Norfolk Federal Building, Room 439, 200 Granby Mall, Norfolk, VA 23510.
- Pittsburgh Office, Federal Building, Room 2130, 1000 Liberty Avenue, Pittsburgh, PA 15222.
- Providence Office, Federal Building, U.S. Post Office, Exchange Terrace, Providence, RI 02903.
- Reno Office, 350 South Center Street, Suite 150, Reno, NV 89502.
- St. Louis Office, U.S. Courthouse and Customhouse, Room 423, 1114 Market Street, St. Louis, MO 63101.
- Salt Lake City Office, New Federal Building, Room 4103, 125 South State Street, Salt Lake City, UT 84138.
- Spokane Office, U.S. Courthouse Building, Room 691, Spokane, WA 99201.
- Border Patrol Sector Headquarters:
 Blaine Sector Headquarters, 1590 H Street, Blaine, WA 98230.
- Buffalo Sector Headquarters, 231 Grand Island Boulevard, Tonawanda, NY 14150
- Chula Vista Sector Headquarters 3752, Beyer Boulevard, San Ysidro, CA 92073
- Del Rio Sector Headquarters, San Antonio Highway, Eagle Pass, TX 78852.
- Detroit Sector Headquarters, P.O. Box 32639, Detroit, MI 48232.
- El Centro Sector Headquarters, 1111 North Imperial Avenue, El Centro, CA 92243.
- El Paso Sector Headquarters, 8901 Montana Avenue, El Paso, TX 79986.
- Grand Forks Sector Headquarters, 2320 South Washington Street, Grand Forks, ND 58201
- Havre Sector Headquarters, Beaver Creek Road, Havre, MT 59501.
- Houlton Sector Headquarters, Route 1, Houlton, ME 04730
- Laredo Sector Headquarters, Del Mar Boulevard, East of I.H. 35, Laredo, TX 78041.
- Livermore Sector Headquarters, Building 312, Camp Parks, Pleasanton, CA 94566.
- Marfa Sector Headquarters, Madrid Street, Marfa, TX 79843.
- McAllen Sector Headquarters, 2301 South Main Street, McAllen, TX 78501
- Miami Sector Headquarters, 161 NE 183rd Street, Miami, FL 33169.
- New Orleans Sector Headquarters, 3819 Patterson Drive, New Orleans, LA 70174.
- Ogdensburg Sector Headquarters, 127 North Water Street, Ogdensburg, NY 13669.
- Spokane Sector Headquarters, 10710 North State Highway #8, Spokane, WA 99208.
- Swanton Sector Headquarters, Grand Avenue, Swanton, VT 05488.
- Tucson Sector Headquarters, 1970 West Ajo Way, Tucson, AZ 85726.
- Yuma Sector Headquarters, 350 First Street, Yuma, AZ 85364.
- Border Patrol Academy: Officer Development and Training Facility, c/o Federal Law Enforcement Training Center (FLETC), Glynco, GA 31520.
- Charlotte Amalie, St. Thomas, Virgin Islands, New Federal Building, Room 117, Charlotte Amalie, St. Thomas, VI 00801.
- Suboffices (Files Control Offices) in Foreign Countries:
 Athens Office, U.S. Immigration and Naturalization Service, c/o American Embassy, APO New York 09253.
- Manila Office, U.S. Immigration and

Naturalization Service, c/o
American Embassy, APO San
Francisco, CA 96528.

Naples Office, U.S. Immigration and
Naturalization Service, c/o
American Consulate General, Box
18, FPO New York 09521.

Palermo Office, U.S. Immigration and
Naturalization Service, c/o
American Embassy (P), APO New
York 09794.

Seoul, Korea, Office, U.S. Immigration
and Naturalization Service, c/o
American Embassy, APO San
Francisco, CA 96301.

Vienna Office, U.S. Immigration and
Naturalization Service, c/o
American Embassy, 1010 Vienna,
Austria.

El Paso Intelligence Center (EPIC), 2211
East Missouri Street, El Paso, TX
79903.

[FR Doc. 79-38911 Filed 12-19-79; 8:45 am]
BILLING CODE 4410-01-M

Immigration and Naturalization Service The Federal Advisory Committee on Immigration and Naturalization; Renewal

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) and the Office of Management and Budget Circular A-63 (revised March 27, 1964), and after consultation with OMB, the Attorney General has determined to renew and amend the Charter of the Federal Advisory Committee on Immigration and Naturalization. Its membership will be composed of the various nationality, ethnic and racial groups in the United States. The Attorney General has determined that such action is in the public interest in connection with the performance of duties imposed on the Department of Justice by law.

The Committee will provide an organized channel of communication between the nationality, ethnic and racial communities and the Immigration and Naturalization Service on the problems and opportunities of the INS as they relate to those groups.

Experience has shown that there is a special need for such communication. Major efforts to improve communications between INS and the nationality, ethnic and racial groups are necessary because the INS, in routinely carrying out its duties, deals with members of these groups in matters of legal and illegal immigration.

Having an established channel of communication will be helpful to the INS in its efforts to develop programs, techniques and approaches which might

yield necessary improvements in the services, opportunities and dissemination of accurate information to the nationality, ethnic and racial communities. To the extent that these efforts are successful, there will be direct and substantial gain to both the INS and the groups.

The Committee will draw on the knowledge and insight of its members to provide advice on such elements as INS outreach service and community relations programs, the dissemination of accurate information, the review of training and instructional materials for sensitivity purposes, recruitment activities, research, contracts, treatment of undocumented and documented aliens as well as United States citizens and permanent residents, and generally maximizing the services of the INS to the nation's nationality, ethnic and racial groups.

The Committee will consist of not less than 21 or more than 25 members appointed by the Commissioner of the INS and constitute a broad spectrum of community leaders, scholars and other appropriate persons. The Committee's membership should consist in proportionate numbers of those nationality, ethnic and racial groups which come in the most frequent contact with the INS. The Committee will meet at least four times a year and report and be responsible to the Commissioner of the INS. The Committee will function solely as advisory board, and in compliance with the Federal Advisory Committee Act and Office of Management and Budget Circular A-63 (Revised March 27, 1974). The Committee will continue until December 31, 1981, unless terminated earlier or renewed.

The Charter for the Committee will be filed under the Act, on or before January 4, 1980.

Persons interested in commenting on the renewal of the Federal Advisory Committee on Immigration and Naturalization are requested to mail their statements in writing on or before January 4, 1980 to: Acting Commissioner, Immigration and Naturalization Service, 425 Eye Street, N.W., Suite 7100, Washington, DC 20536.

Dated: December 17, 1979.

David Grosland,

*Acting Commissioner of Immigration and
Naturalization.*

[FR Doc. 79-39025 Filed 12-19-79; 8:45 am]
BILLING CODE 4410-10-M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Notice of Meetings

December 14, 1979.

Pursuant to section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold meetings on Thursday and Friday, January 24 and 25, 1980 at the Sheraton Palace Hotel in San Francisco, California. The meetings will begin at 10:00 a.m. PST each day. All meetings are open to the public.

The purpose of the meetings will be to review draft papers and proposals on such areas as volunteerism, health care for the poor, improved energy conservation, characteristics of the poverty population and welfare reform.

The National Advisory Council on Economic Opportunity is authorized by section 605 of the Community Services Act of 1974 to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all proceedings and shall be available for public inspection at the offices of the National Advisory Council on Economic Opportunity.

For further information, contact the National Advisory Council on Economic Opportunity, 1725 K Street, NW., Suite 405, Washington, D.C. 20006, (202) 254-3217.

Walter B. Quetsch,
Executive Director.

[FR Doc. 79-32959 Filed 12-19-79; 8:45 am]
BILLING CODE 6320-42-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published November 21, 1979 (44 FR 67000). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working

Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the January 1980 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Mary E. Vanderholt) between 8:15 and 5:00 p.m., EST.

Subcommittee and Working Group Meetings

**Three Mile Island, Unit-2 Accident Bulletins and Orders/Emergency Core Cooling Systems*, January 3-4, 1980, Los Angeles, CA (rescheduled from January 9, 1980, Washington, DC). The Subcommittees will hold a joint meeting to consider NRC Bulletins and Orders, including information related to the small-break loss of coolant accident. Notice of this meeting was published December 19, 1979.

**Three Mile Island, Unit-2 Accident Action Plan*, January 7, 1980, Washington, DC. An Ad-Hoc Subcommittee will meet to discuss the NRC Action Plan for implementation of recommendations arising from various sources (such as, the President's Commission on Three Mile Island, the ACRS, the NRC Lessons Learned Task Force, etc.) as a result of the March 28, 1979 incident at Three Mile Island, Unit-2.

**Babcock and Wilcox Water Reactors*, January 8, 1980, Washington, DC. The Subcommittee will discuss the sensitivity to transients of once-through steam generators (OTSG) and other features of Babcock and Wilcox designed nuclear plants.

Reactor Safety Research, January 9, 1980, Washington, DC. The Subcommittee will continue its discussion of preparation of the Annual Report to Congress on the NRC Reactor Safety Research Program. Notice of this meeting was published November 21, 1979.

**Procedures and Administration*, January 9, 1980 (Afternoon-Tentative), Washington, DC. The Subcommittee will discuss procedures for conduct of ARCS activities including procedures for strengthening the role of the ACRS in the regulatory process.

**Surry Nuclear Station*, January 23, 1980 (Morning), Washington, DC. The Subcommittee will continue its review of the Surry Station steam generator replacement program.

**Licensee Event Reports (LERs)*, January 23, 1980 (Late Morning), Washington, DC. The Subcommittee will meet with personnel from NRC's newly formed Office of Analysis and Evaluation of Operational Data to discuss the evaluation of LER information.

**Metal Components*, January 23-24, 1980, Washington, DC (rescheduled from January 16-17, 1980, Oak Ridge, TN). The Subcommittee will review the status of unresolved generic items involving pressure vessels, steam generators, and other pressure boundary components in its cognizant area of review. Notice of this meeting was published November 21, 1979.

**Anticipated Transients Without Scram (ATWS)*, January 25, 1980, Washington, DC. The Subcommittee will meet with representatives of the NRC Staff to discuss the proposed resolution of ATWS.

**Three Mile Island, Unit 1*, January 31, 1980 (Tentative), Harrisburg, PA. The Subcommittee will review the application of the Metropolitan Edison Company to restart the Three Mile Island, Unit 1, Nuclear Plant.

**Reactor Safety Research*, February 6, 1980, Washington, DC. The Subcommittee will continue its discussion of preparation of the Annual Report to Congress on the NRC Reactor Safety Research Program.

**Regulatory Activities*, February 6, 1980, Washington, DC. The Subcommittee will review regulatory guides and revisions to existing regulatory guides; also, it may discuss pertinent activities which affect the current licensing process and/or reactor operation.

**General Electric Test Reactor (GETR)*, February 22, 1980, San Francisco, CA. The Subcommittee will continue its review of the geologic and seismologic aspects of the GETR site.

ACRS Full Committee Meetings

January 10-12, 1980

A. *ACRS Annual Report to Congress—Evaluation of NRC Safety Research Program.

B. *NRC Action Plan to Implement the Recommendations of the President's Commission on Three Mile Island—Discuss Proposed Action Plan.

C. *ACRS Activities—Discuss proposed methods to strengthen the ACRS role in the NRC regulatory process.

D. *NRC Bulletins and Orders resulting from the NRC Three Mile Island Lessons Learned Task Force—Discuss proposed resolution.

E. *NRC Siting Criteria—Discuss proposed changes in NRC siting criteria.

February 10-12, 1980: Agenda to be announced.

March 6-8, 1980: Agenda to be announced.

Dated: December 17, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-39009 Filed 12-19-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 27-48]

Nuclear Engineering Co., Inc.; Issuance of Renewal License for Disposal of Special Nuclear Material

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Special nuclear material disposal license renewal.

SUMMARY: NRC has issued a renewed license to the Nuclear Engineering Company (NECO) of Louisville, Kentucky, for disposal of special nuclear material (SNM) at NECO's low-level waste disposal facility located in the center of the Hanford Reservation near Richland, Washington. NRC has determined that issuance of the renewed SNM license will not result in any significant impact on the environment, and therefore does not require preparation of an environmental impact statement. However, an environmental impact appraisal of the licensing action has been prepared and will be available for public inspection. The SNM license only authorizes disposal of waste containing small quantities of uranium-233 and uranium-235. Disposal of waste containing plutonium is prohibited after February 29, 1980.

ADDRESSES: The renewed license and environmental impact appraisal will be available for public inspection at the Commission's Public Document room located at 1717 H Street, N.W., Washington, D.C. 20555, and at the Richland Public Library, Reference Department, Swift and Northgate Streets, Richland, Washington 99352.

FOR FURTHER INFORMATION CONTACT: Mr. R. Dale Smith, Chief, Low-Level

Waste Licensing Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: (301) 427-4433.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) has issued to the Nuclear Engineering Company (NECO) a renewed License for disposal of special nuclear material (SNM) at NECO's low-level waste disposal facility located in the center of the Hanford Reservation near Richland, Washington. (NECO's main office is located at 9200 Shelbyville Road, Louisville, Kentucky 40207.) For administrative purposes, a new License No. 16-19204-01 and a new Docket No. 27-48 were assigned. The renewed SNM license supersedes the authorization for disposal activities at the NECO Hanford site previously authorized under License No. 13-10042-01 (Docket No. 27-39); and has been issued based upon NECO's updated renewal application dated February 24, 1978, and upon supplemental environmental information provided by NECO to NRC.

NRC has determined that issuance of the renewed SNM license will not result in any significant impact on the environment, and therefore does not require preparation of an environmental impact statement (EIS). The SNM license only authorizes disposal of waste containing small quantities of uranium-233 and uranium-235. After February 29, 1980, disposal of waste containing plutonium is prohibited. Further information is contained in NRC's environmental impact appraisal of the license renewal, which will be available for public inspection at the Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C. 20555, and at the Richland Public Library, Reference Department, Swift and Northgate Streets, Richland, Washington 99352.

NECO's filing of the updated renewal application was noticed in the Federal Register (43 FR 15374) on April 12, 1978. In the April 12th Notice, NRC gave the licensee the opportunity to file a request for a hearing with respect to the issuance of the license renewal, and for any person whose interest may be affected by the application to file a petition for leave to intervene. In the follow-up Federal Register Notice (43 FR 26161) dated June 16, 1978, NRC announced that it had received no requests for hearings or petitions for leave to intervene during the time period specified in the April 12th Notice. Accordingly, NRC announced, no hearings on the renewal application would be held. As part of the June 16th Notice, NRC also gave the public an

opportunity for informal comments on the SNM disposal application. No informal comments on the application were received.

Special nuclear material has been buried at the NECO Hanford site since 1965, when the facility was first licensed by the Atomic Energy Commission (AEC). At that time burial of source and byproduct material was also licensed by the AEC. However, in 1966 the State of Washington assumed licensing and regulation of source and byproduct material when Washington became an Agreement State. Disposal of source and byproduct material is not included in the renewed SNM license.

The SNM license has been closely coordinated with Washington State Officials and is consistent with the State source and byproduct material license which was renewed November 29, 1979. The State and NRC licenses contain requirements consistent with those recently adopted in the South Carolina license for the Barnwell disposal site.

Consistent with the Washington State license, after February 29, 1980, disposal of waste containing plutonium in concentrations exceeding 10 nCi/gm is being prohibited. (The State license prohibits disposal of transuranic (TRU) byproduct waste at the site.) As the NECO Hanford site is the last commercial site accepting TRU-contaminated waste for disposal, NRC has requested the Department of Energy to finalize and implement its plans for routine acceptance of commercial TRU waste for retrievable storage. This period of delay for the limit to become effective will allow DOE to finalize and implement its TRU acceptance plans and allow for the orderly transfer of TRU waste from the commercial sector to DOE.

The Commission finds that the issuance of the renewed license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the requirements of Title 10, Chapter 1, Code of Federal Regulations.

Dated at Silver Spring, Maryland this 13th day of December, 1979.

For the Nuclear Regulatory Commission,
Kitty S. Dragonette,
Section Leader, Licensing Section, Low-Level Waste Licensing Branch, Division of Waste Management.

[FR Doc. 79-39017 Filed 12-19-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-206]

**Southern California Edison Co.;
Receipt of Petition Under 10 CFR 2.206**

In the Matter of Southern California Edison Company (San Onofre Nuclear Generating Station, Unit 1)

Several hundred residents of California have submitted identical petitions requesting that the Director of Nuclear Reactor Regulation suspend or revoke the operating license for the San Onofre Nuclear Generating Station, Unit 1. As the basis for this request, the petitioners contend that new information is available concerning seismic conditions at the site of the San Onofre facility. The petitioners allege that Unit 1 is not designed to withstand possible ground motions from earthquakes that may occur in the vicinity. As an additional basis of their request, the petitioners allege that evacuation plans are inadequate to cope with a potential accident at the site.

These petitions are being considered under 10 CFR 2.206 of the Commission's regulations, and accordingly, appropriate action will be taken on the petition within a reasonable time. A copy of the petition is available for inspection in the Commission's Public Document Rooms at 1717 H Street, N.W., Washington, D.C. 20555 and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California 92676.

Dated at Bethesda, Maryland, this 13th day of December, 1979.

Harold R. Denton,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-39016 Filed 12-19-79; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[SSINS 6330]

Federal Bureau of Investigation and Nuclear Regulatory Commission
Memorandum of Understanding for Cooperation Regarding Threat, Theft, or Sabotage in U.S. Nuclear Industry

December 13, 1979.

The attached memorandum, subject as above, provides a basis for contingency response planning, coordination, and cooperation between the Federal Bureau of Investigation (FBI) and the Nuclear Regulatory Commission (NRC) in order to deal effectively with threats, and with acts associated with theft or sabotage attempts against NRC licensed nuclear materials, facilities (nuclear power

plants and other types of nuclear plants in the nuclear fuel cycle) and activities.

E. Morris Howard,

Director, Division of Safeguards Inspection,
Office of Inspection and Enforcement.

**Federal Bureau of Investigation and
Nuclear Regulatory Commission
Memorandum of Understanding for
Cooperation Regarding Threat, Theft, or
Sabotage in U.S. Nuclear Industry**

1.0 Purpose.

The purpose of this memorandum is to provide a clear basis for contingency response planning, coordination, and cooperation between the Federal Bureau of Investigation (FBI) and the Nuclear Regulatory Commission (NRC) in order to deal effectively with threats, and with acts associated with theft or sabotage attempts against NRC licensed nuclear materials, facilities¹ and activities.

Having closely related statutory responsibilities with regard to nuclear materials, facilities, and activities in U.S. nuclear industry, the FBI and the NRC cooperate fully in carrying out their respective responsibilities in the interest of achieving:

- (1) Effective communication and exchange of relevant information, and
- (2) Timely, reliable, and effective response actions.

2.0 Applicable authority.

2.1 Federal Bureau of Investigation

The FBI's authority relative to NRC licensed nuclear facilities, activities, and materials stems from responsibilities assigned the FBI in the following areas (inter alia):

- (1) Pub. L. 83-703, Atomic Energy Act of 1954 as amended, Title 42, U.S. Code.
- (2) Title 18 and Title 50, U.S. Code, as may be applicable such as extortion, sabotage, or theft of government property.

2.2 Nuclear Regulatory Commission.

The NRC's regulatory authority stems from responsibilities assigned the NRC in the following areas (inter alia):

- (1) Pub. L. 93-438, Energy Reorganization Act of 1974, Title 42, U.S. Code.
- (2) Pub. L. 83-703, Atomic Energy Act of 1954, as amended, Title 42, U.S. Code.

3.0 Incidents and threats of mutual concern.

In accordance with their respective statutory responsibilities, the FBI and the NRC agree to coordinate planning and responses dealing with but not limited to threats, material thefts and diversions, incursions or infiltrations,

extortions, conspiracy, and sabotage relating to all facilities, activities, and materials licensed under the Atomic Energy Act of 1954, as amended.

Both agencies agree to cooperate in information exchange relating to the foregoing topics for purposes of threat evaluation.

4.0 Agency Roles and Relationships.

4.1 FBI's Role With Respect to Incidents at Licensed Nuclear Facilities and Activities. Criminal acts in the categories stipulated in paragraph 3.0, when committed against NRC licensed nuclear facilities and activities, may be in violation of the Atomic Energy Act of 1954 or the regulations of the NRC, as well as other Federal statutes of concern to the FBI. In such cases, the general role of the FBI would be one of actively investigating the incident and coordinating other necessary action by state and local law enforcement agencies in order to apprehend the perpetrators, recover any stolen or diverted nuclear material, and support Federal prosecutions as appropriate. FBI special weapons and tactics teams and hostage negotiation experts also would be available for contingency response against barricaded adversaries if needed.

Because of relative location and travel time, the FBI's presence at the scene of an incident may not be prompt enough to provide the immediate law enforcement action required. Thus, local law enforcement agencies must be relied on in general for prompt response needs. The FBI, upon arrival at the scene, would assume control and coordination of the law enforcement operations, except where violation of Federal statutes is not involved.

The FBI effects liaison with the NRC and local law enforcement agencies as necessary to effectively plan for and carry out the above role, and to accomplish information exchange concerning threats and potential adversaries of concern.

4.2 NRC's Role With Respect to Incidents at Licensed Nuclear Facilities and Activities. In its regulation of US nuclear industry, the NRC, among other things, requires certain licensees to provide and maintain a physical protection system, inclusive of contingency response plans and coordination with local law enforcement agencies, in order to protect their nuclear facilities, activities, and materials against attempted criminal acts. If such an attempt occurs, the immediate contingency role of the NRC would be one of gathering and assessing information to determine the situation, apprising and cooperating with the FBI

in order to expedite and assist FBI response, and arranging for other needed and feasible contingency response assistance that is requested through NRC channels.

After the immediate contingency aspects of the situation have passed, NRC would continue to cooperate with the FBI on a noncontingency, prolonged basis as required to assist any ensuing FBI investigations relative to the incident.

The NRC effects liaison with the FBI as necessary to effectively plan for and carry out the above role, and to accomplish information exchange and assessment concerning threats and potential adversaries of concern.

4.3 Concept for Contingency Response Coordination and Cooperation. Criminal acts against licensed nuclear facilities, activities, and materials are reported to the pertinent NRC Regional Office by the licensee, along with information about the local situation and about the law enforcement or other agencies notified or responding. The NRC Regional Office notifies the NRC Headquarters, assures that the pertinent FBI Field Office (or resident agent) having jurisdiction is informed without delay about overt acts requiring prompt law enforcement attention. The NRC Regional Office and FBI Field Office dispatch representatives to the scene as warranted by the situation and inform their respective national headquarters about the situation. The NRC Headquarters in turn assures that the Atomic Energy Desk at the FBI Headquarters is informed promptly about the situation.

Upon arrival at the scene, the FBI and NRC field representatives coordinate and cooperate with each other in carrying out their respective responsibilities. The FBI is in charge of law enforcement operations and represents the Federal government in all law enforcement activity. The NRC facilitates FBI access into the licensed facility or activity as appropriate, provides information and advice regarding the facility or activity (particularly any radiological hazards), and supports the FBI wherever possible to resolve the situation. The FBI and NRC representatives report the situation and make recommendations to their respective agencies regarding the need for additional response assistance at the scene. The need for continuing FBI criminal investigation of the act would be determined by FBI Headquarters.

5.0 FBI Responsibilities.

In fulfilling its role with respect to incidents, at NRC licensed nuclear facilities and activities, the FBI

¹The term, facility, used generally throughout this document, includes nuclear power plants and other types of nuclear plants in the nuclear fuel cycle.

accomplishes the following responsibilities:

(1) Provides to NRC intelligence information concerning possible criminal acts relative to the security of nuclear facilities, activities, and materials.

(2) Notifies NRC, unless otherwise precluded by statute or directive, of nuclear related threats and of alleged, attempted, or actual incidents involving sabotage of nuclear facilities and activities or diversion and theft of nuclear materials.

(3) Investigates ongoing nuclear related threat situations; advises the NRC regarding the credibility and danger of such threats.

(4) Accomplishes liaison and contingency response planning with pertinent local law enforcement agencies as required for effective coordinated law enforcement response operations.

(5) Accomplishes liaison with pertinent NRC staff, NRC Regional Offices, and the NRC representative at the scene of an incident, as required for effective information exchange, threat evaluation, contingency response planning, and FBI operations coordinations.

(6) Responds to any attempt to steal a shipment of licensed nuclear material or to any incursion or infiltration attempt against an NRC licensed nuclear facility or activity; appropriately directs and coordinates law enforcement operations at the scene; accomplishes hostage negotiation, special weapons and tactics team operations, and other FBI law enforcement actions as feasible and necessary to deal with the adversary and prevent nuclear material theft/diversion or sabotage.

(7) Investigates incidents of sabotage or attempted sabotage of an NRC licensed nuclear facility or activity.

(8) Investigates incidents of theft/diversion or attempted theft/diversion of NRC licensed nuclear material; conducts law enforcement operations as necessary to identify and apprehend suspects and to locate and recover stolen or diverted SNM.

(9) Investigates incidents of conspiracy and extortion attempts against NRC licensed facilities or activities.

(10) Requests information and other NRC support needed to expedite and facilitate FBI operations.

(11) Coordinates proposed FBI news releases regarding incidents at NRC licensed nuclear facilities and activities with the Director, Office of Public Affairs, NRC Headquarters.

6.0 NRC Responsibilities.

In fulfilling its role with respect to incidents at NRC licensed nuclear facilities and activities, the NRC accomplishes the following responsibilities:

(1) Reviews and correlates intelligence information on possible criminal acts received from the FBI; coordinates with the FBI, and evaluates potential adversary capabilities and trends as a basis for rule making, evaluations, and systems design.

(2) Accomplishes liaison with pertinent FBI Headquarters staff and FBI Field Offices as required for effective information exchange, threat evaluation, contingency response planning, and NRC support of FBI response operations.

(3) Supports joint operational readiness planning between licensees and associated local law enforcement agencies for prompt law enforcement response assistance when needed at licensed facilities and activities.

(4) Notifies the FBI of threats involving NRC licensed nuclear facilities, activities, and materials; assists the FBI in evaluating the nuclear aspects of such threats and other nuclear threats as appropriate.

(5) Disseminates with the approval of the FBI to affected licensees alert and warning information received from the FBI about specific nuclear related threats.

(6) Promptly notifies the FBI about any attempt to steal a shipment of licensed nuclear material, or about any incursion or infiltration attempt against an NRC licensed nuclear facility or activity; responds to the scene of the incident as appropriate; provides NRC field liaison and technical assistance to the FBI at the scene.

(7) Notifies the FBI about incidents of sabotage or attempted sabotage of an NRC licensed nuclear facility or activity.

(8) Notifies the FBI about incidents of theft/diversion or attempted theft/diversion of NRC licensed nuclear material.

(9) Notifies the FBI about conspiracy or extortion attempts against NRC licensed nuclear facilities or activities.

(10) Provides assistance to the FBI in evaluating the radiological hazards of the particular incident and provides technical assessment of any potential or actual impact upon the public health and safety.

(11) Provides information and assistance requested by the FBI relative to FBI investigations of criminal acts attempted against NRC licensed nuclear facilities and activities.

(12) Coordinates with FBI Headquarters on proposed NRC news

releases relative to incidents concerning licensed nuclear facilities, activities or materials if the FBI is involved.

7.0 Working Arrangement.

The working channels of communication established between the FBI and NRC for information exchange and coordination incident to carrying out their respective responsibilities hereunder are indicated in Section 4.3, Concept for Contingency Response Coordination and Cooperation. The identification of these points of contact is not intended to restrict communication between NRC and FBI staff members in technical, administrative and other day-to-day matters in the course of their normal activities and the discharge of agency responsibilities.

8.0 Effective Period.

This memorandum of understanding will take effect when it has been signed by the authorized representative indicated below for each agency. It may be terminated by either the FBI or the NRC following 90 days' written notification to that effect.

Dated: April 23, 1979.

For the Federal Bureau of Investigation.
William H. Webster,
Director, Federal Bureau of Investigation.

For the Nuclear Regulatory Commission.
Joseph M. Hendrie,
Chairman, Nuclear Regulatory Commission.

[FR Doc. 79-39018 Filed 12-19-79; 8:45 am]
BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-51]

Recommendation Letters and Responses; Availability

Marine Safety Recommendation

M-79-116.— On December 7 the National Transportation Safety Board recommended that the U.S. Army Corps of Engineers:

Establish written procedures to require all dredges contracted by the U.S. Army Corps of Engineers to meet U.S. Coast Guard design regulations for fuel oil transfer operations. (Class II, Priority Action) (M-79-116)

This recommendation was issued following investigation of the fire which occurred aboard the uninspected dredge LOUISIANA in Tiger Pass, La., in the Mississippi River Delta on June 2, 1978. About 1915, as the LOUISIANA, operating under contract with the U.S. Army Corps of Engineers, was taking on fuel oil and water from a barge moored

alongside, the crew of the dredge heard a noise described as a small explosion and saw flames on the main deck near the engineroom.

Investigation showed that the dredge's assistant engineer had inserted the end of a 2-inch fuel oil hose from a refueling barge into a 4-inch fill pipe which extended 6 inches above the dredge's deck. It was customary to secure the hose with ¼-inch line to prevent the hose from coming out of the fill pipe; however, the assistant engineer died in the fire and none of the other crew could remember if the hose had been secured. The tank was vented through the fill pipe and had no separate vents. One crewman saw the fuel oil hose flopping on the deck shortly after the fire was discovered. As a result of the fire, the dredge has been declared a total loss of over \$1,500,000.

The Safety Board notes that although the LOUISIANA was an uninspected vessel, U.S. Coast Guard regulations (33 CFR 156.120) require that couplings used in fuel oil transfer operations on any vessel with a capacity of 250 or more barrels of oil be (1) a bolted or full-threaded connection, or (2) a quick-connect coupling approved by the Commandant, or (3) an automatic back-pressure shutoff nozzle used to fuel the vessel. The insertion of a fuel oil hose into a fill pipe does not meet these requirements and the dredge did not have the fuel oil discharge containment required by 33 CFR 155.320.

Further, the Board noted that the fuel oil tanks were not equipped with vents. While vents are not expressly required by the regulations, it would be necessary for the tanks to be vented in order to use the couplings prescribed by 33 CFR 156.120 (1) or (2). The use of an automatic back-pressure shutoff nozzle probably would not be practical for the quantities involved in fueling the dredge. If the tank had been vented and the coupling made as prescribed by the regulations, or the hose properly secured by the assistant engineer, this accident might have been prevented.

Intermodal Safety Recommendations

1-79-14 through 16.— The Safety Board has investigated many accidents in which persons were killed following the release of hazardous materials from the vehicles involved in the accidents. For example, in Eagle Pass, Texas, 16 persons died following the rupture of a liquefied petroleum gas tank-semitrailer in a highway accident in 1975. In Youngstown, Fla., eight persons died following the puncture of a rail tank car carrying chlorine during an accident in 1978. In Houston, Texas, five persons were killed and 178 persons were

injured by the release of anhydrous ammonia following the crash of a tank-semi-trailer in a 1976 highway accident. The Safety Board has previously reported the causes of these accidents and notes that the gravity of the casualties in such accidents following the release of hazardous materials far exceeded the initial crash losses. Improving survivability in such accidents would contribute significantly to reductions in hazardous materials transportation risks.

Using the 1976 Houston accident as a basis, the Safety Board investigated survival actions by the victims to determine what actions they took, why these were taken, and what effects these actions had on the victims' survival. These actions were then analyzed to determine the effectiveness of the U.S. Department of Transportation's mandated safeguards in reducing casualties in hazardous materials accidents. The analysis disclosed that DOT-mandated safeguards were not effective in reducing the casualties which occurred after the ammonia release.

DOT-mandated safeguards regarding the cargo tank, emergency communications, evacuation guidelines, and routing were involved in the Houston accident. The cargo tank safeguards did not forestall the abrupt release of the entire contents of the tank; this reduced the time for the exposed persons to determine their danger and react before they were engulfed by the released material. The "form" of the contents contributed to the sudden tank burst; also, the quantity and form both contributed to the rapid development and the size of the affected area. The emergency communications regulations played no role in the accident, largely because the information was obscured by the sudden opaque cloud around the crash site and because the casualties occurred so quickly after the release. Had the evacuation recommendations in the National Highway Traffic Safety Administration's "Emergency Action Guide for Hazardous Materials" been followed, some of the persons who survived uninjured would have been evacuated directly into the path of the oncoming dangerous cloud. The designated hazardous materials route used contributed both to the occurrence of the crash, to the difficulties experienced by some of the victims, and to the complexity of the rescue problems.

By tracking the actions of many of the survivors in the Houston accident, the Safety Board was also able to identify

several general ways to improve survival in future accidents. These findings let to a further investigation of DOT's program for the collection and use of survival action data. A primary element of the hazardous materials safety program is the accident/incident reporting system of the Materials Transportation Bureau of DOT's Research and Special Programs Administration. The system, however, does not collect information about survival actions following the accidental release of hazardous materials but focuses on collecting information about the performance of hazardous materials packaging and on trend analyses of such data to identify needed improvements. Trend analyses require sufficient accidents and, usually, extended time periods to identify needed improvements. The Safety Board concludes that the data system deficiency prevents DOT from adequately analyzing the effectiveness of its mandated safeguards.

The Board states that prompt collection and use of survival data following hazardous materials releases in which serious injuries have occurred, or in which serious injury was narrowly averted, would substantially reduce the delay in evaluating and improving DOT's hazardous materials safeguards or procedures. Also, in addition to acquiring survival data for its internal use, DOT's dissemination of survival action data, along with maps of the hazardous materials behavior in serious releases, could permit safety program managers in other public and private emergency response activities to benefit from the lessons learned in such accidents with a minimum of delay. The task is to improve and shorten the learning process from such accidents with survival action data. These benefits merit high priority among RSPA's safety program efforts. For these reasons, on December 11 the Safety Board recommended that DOT's Research and Special Programs Administration:

Incorporate hazardous materials incident survival action data in the new centralized hazardous materials information system which the Department of Transportation is establishing under recommendation No. 3 of the September 1978 Report of the Hazardous Materials Task Force. (1-79-14)

Establish procedures to promptly utilize survival action data and to analyze the harm from an accident in evaluating the influence of regulatory safeguards upon the outcome of serious hazardous materials incidents. (1-79-15)

Use survival action data collected to revise emergency guidelines, incorporating recommended actions, their purpose, and the effect they should have in reducing losses

following the release of hazardous materials. (I-79-16)

Each of the above recommendations is designated "Class II, Priority Action."

Responses from the Federal Aviation Administration to Safety Recommendations

A-79-68 through 70.—On December 5 FAA responded to recommendations issued September 6 following investigation of the Rocky Mountain Airlines DeHavilland DHC accident near Steamboat Springs, Colo., December 4, 1978. The accident illustrated the need for survival training for crewmembers and for installation of shoulder harnesses of crew seats. (See 44 FR 52061, September 6, 1979.)

Recommendation A-79-68 asked FAA to amend 14 CFR 135.331 and 121.417 to require that each certificate holder provide a survival training program for its crewmembers that would include the basic information on sea, desert, winter, and mountain survival. FAA does not believe that a regulatory amendment is appropriate at this time. FAA does agree, however, that crewmembers should be knowledgeable in survival techniques for the various environmental conditions that may be encountered following an air carrier accident. To initiate training as soon as practical, FAA plans to issue an Air Carrier Operations Bulletin, within the next 90 days, instructing FAA's principal operations inspectors to have their assigned air carriers include survival training, as appropriate to the carrier's route structure, during the crewmembers' recurrent training.

In response to A-79-69, which asked FAA to issue an Advisory Circular which outlines acceptable means of compliance with such a survival training program requirement, FAA believes that, as discussed in A-79-68 above, an Air Carrier Operations Bulletin instead of an Advisory Circular is more appropriate at this time. FAA plans to include a suggested outline for a survival training program in this Air Carrier Operations Bulletin.

With reference to A-79-70, which recommended that FAA strictly enforce the compliance date for the installation of shoulder harnesses as required by 14 CFR 135.171, FAA says its action of granting certain operators extensions to the shoulder harness requirement under Part 135 is a logical solution to a supply problem. FAA is not aware of any abuses by operators in delaying the installation of shoulder harnesses in their aircraft.

A-79-75.—FAA's letter of December 3 responds to a recommendation issued

following investigation of the December 21, 1978, crash of a Cessna 207 on approach to Chevak, Alaska. The recommendation called on FAA to initiate action to disseminate additional information to the general aviation community to make it more fully aware of the hazards associated with flight in white-out conditions in Alaska and other regions with similar environmental conditions; and undertake an aggressive educational program to correct apparent misconceptions regarding visual flight rules (VFR) operations in white-out conditions. (See 44 FR 58819, October 11, 1979.)

Aware that the white-out phenomenon is a distinctive hazard to flight conducted in conducive meteorological conditions, FAA states that its accident prevention program has dealt with the hazard in an educational approach for a number of years. The program includes a slide presentation on the white-out phenomenon, a film titled, "Some Thoughts on Winter Flying," and an excerpt from Chapter 2, Cold Weather Safety, published by the FAA Alaskan Region in January 1969, copies of which are provided with FAA's response. However, FAA states that it will analyze its education and information efforts with respect to the white-out hazard and will advise the Board by June 1, 1980, of actions determined to be appropriate as a result of its analysis and the Safety Board's recommendation.

A-79-76 through 78.—Also on December 6 FAA responded to recommendations resulting from data gathered from various recent Safety Board investigations suggesting that passengers who lean forward or assume a brace position before an aircraft crash receive significantly less trauma than do other passengers. (See 44 FR 60182, October 18, 1979.)

FAA concurs with recommendation A-79-76, which called for a research project to determine the optimal brace position for various seat designs and seating configurations on aircraft used in passenger-carrying operations. FAA has requested the Civil Aeromedical Institute (CAMI) to conduct a study to determine the proper or optimal passenger brace position for various seat designs and configurations. The study is expected to be completed by July 1980.

Recommendation A-79-77 asked FAA to issue an Air Carrier Operations Bulletin requesting principal operations inspectors to insure that the training of crewmembers includes information on the appropriate passenger brace position for specific aircraft configurations during potential crash

landings. FAA reports that depending on the outcome of the study by CAMI, FAA may request a revision of the air carrier training program.

Recommendation A-79-78 asked FAA to issue an Air Carrier Operations Bulletin requiring principal operations inspectors to instruct their assigned air carriers to describe the appropriate emergency brace position on the passenger briefing card and to require that preflight briefings include a reference to the proper brace position. FAA states that depending on the outcome of the study by CAMI, FAA may request a revision of the passenger brace positions on the passenger briefing cards.

Note.—Copies of Safety Board recommendation letters, and responses thereto, are available free of charge. All requests for copies must be in writing, identified by recommendation number. Address inquires to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,
Federal Register Liaison Officer.

December 14, 1979.

[FR Doc. 79-32360 Filed 12-19-79; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

December 17, 1979.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, and reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;
The office of the agency issuing this form;

The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;

An estimate of the number of forms that will be filled out;
An estimate of the total number of hours needed to fill out the form; and
The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one-half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer of office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy, Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

New Forms

Economics, Statistics, and Cooperatives Service

Weekly Livestock Slaughter—Federally Inspected

LS-149

Weekly

Livestock Slaughter Plants; 7,800 responses; 19,500 hours
Office of Federal Statistical Policy and Standard 673-7974

Revisions

Agricultural Stabilization and Conservation Service
*Request for Long-Term Agreement—Agricultural and Consumer Protection Act

RE-310

On occasion
Farmers; 10,000 responses; 5,000 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

New Forms

Bureau of Economic Analysis
Annual Survey of U.S. Direct Investment Abroad
BE-11A, 11B, & Instruct. Booklet
Annually
Multinational corporations; 1,000 responses; 30,000 hours
Office of Federal Statistical Policy and Standard, 673-7974.

National Oceanic and Atmospheric Administration
*Hawaii Fish Dealer Survey
Monthly
Fish wholesalers; 780 responses; 390 hours
Richard Sheppard, 395-3211

National Oceanic and Atmospheric Administration
Mackerel Purse Seine Study
Single time
Fishermen/fish house operators; 240 responses; 80 hours
Richard Sheppard, 395-3211

Revisions

Bureau of the Census,
*Glass Containers (shipments, production, and stocks)
M-32G
Monthly
Glass Container Manufacturing Establishments; 507 responses; 169 hours
Office of Federal Statistical Policy and Standard, 673-7974

Economic Development Administration
Crosscut Evaluation System—Phase I
Business development—verification
ED-451Q
Single time
Business and development organization; 160 responses; 100 hours
Richard Sheppard, 395-3211

Economic Development Administration
Petition by a firm for certification of eligibility to apply for trade adjustment assistance

ED-435
on Occasion
Import-impacted firms; 1,000 responses; 8,000 hours
Richard Sheppard, 395-3211

Reinstatements

Bureau of the Census
Report on Shipments to Federal Government Agencies
MA-175
Annually
Industrial plans in industries shipping to Federal Government; 7,000 responses; 7,000 hours
Office of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697-1195

New Forms

Departmental and Other Reserve Physician Survey
single time
4263 Reserve Physicians; 4,263 responses; 2,132 hours
Richard Sheppard, 395-3211

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—William Riley—245-7488

New Forms

Health Care Financing Administration
Child Health Status Report
HCFA-156
Quarterly
State Medicaid Agencies; 224 responses; 18,368 hours
Richard Eisinger, 395-3214

Revisions

Social Security Administration
Application for Parent's Insurance Benefits
SSA-7-F6
On occasion
Dependent parent of a deceased worker; 1,400 responses; 350 hours
Barbara F. Young, 395-6132

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755-5184

Extensions

Housing Production and Mortgage Credit
Survey Instructions and Certificate (land survey)
FHA 2457
On occasion
Surveyors; 2,000 responses; 1,000 hours
Arnold Strasser, 395-5080

Reinstatements

Housing Production and Mortgage Credit
Periodical Estimate for Partial Payment (for monthly requests for payment)
HUD-51001, 2, 3, & 4
Monthly
Contractors, builders, construction contracting firms; 36,000 responses; 36,000 hours
Arnold Strasser, 395-5080

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343-6716

New Forms

Geological Survey
Supplementary Application for Natural Gas Category
Determination
On occasion
Operators of Federal, Indian, and OCS Leases; 4,000 responses; 16,000 hours
Charles A. Ellett, 395-5080

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523-6341

New Forms

Departmental and Other
Phone and Mail Questionnaires for prepaid Legal Service Plans
LMSA 93T
Single time
I-Universe of Legal Plans II—Sample of Universe; 2,900 responses; 603 hours
Arnold Strasser, 395-5080
Labor Management and Service Administration
Survey of Portability and Reciprocity Networks Among Single Employer Private Pension Plans
LMSA-94T
Single time
Private pension plan sponsor with plan are part of portable recipient NW.; 25 responses; 200 hours
Arnold Strasser, 395-5080

Revisions

Employment Standards Administration
Applications for Special Certificates under FLSA Requirements
WH-2, 205, 222, 226, 227, 247, 249, and 373
Other (see SF-83)
Applicants for partial exemptions; 26,750 responses; 15,391 hours
Arnold Strasser, 395-5080

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426-1887

New Forms

Federal Aviation Administration

Compliance plan—FAR Part 91, Subpart E
Other (See SF-83)
Operators of large turbojets; 82 responses, 208 hours
Steed, Diane K., 395-3176

Federal Highway Administration
Planning program performance report
Quarterly
208 State highway agencies; 208 Responses, 8,320 hours
Steed, Diane K., 395-3176

Revisions

National Highway Traffic Safety Administration
National accident sampling system interview
Form—Accident and injury (4/78)
On occasion
Occupants and pedestrians involved in car accidents; 61,980 responses, 20,600 hours
Off. of Federal Statistical Policy & Standard 673-7974

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—John J. Stanton—245-3064

Extensions

NPDES Application to Discharge Wastewater
Short Form B Agriculture
EPA 7550-7
On occasion
Point source discharges to navigable waters; 5,000 responses, 10,000 hours
Edward H. Clarke, 395-5867
NPDES Application to Discharge Wastewater
Short form
EPA 7550-6, 8, and 9
On occasion
Point of source dischargers to navigable waters; 30,000 responses, 30,000 hours
Edward H. Clarke, 395-5867

NPDES—Manufacturing and commercial and municipal Discharge permit application standard forms EPA 7550-22, 23, 24

On occasion
Point of source dischargers to navigable waters; 10,000 responses, 100,000 hours
Edward H. Clarke, 395-5867

EXECUTIVE OFFICE OF THE PRESIDENT, OTHER

Agency Clearance Officer—Roy A. Nierenberg—456-6286

New Forms

Report on pay ¹

¹The 10-day public comment period has been waived from Forms PAY 2 and PAY 1 (Actual) because they are a resubmission of earlier Council

Pay 2 and Pay 1 (actual)
State and local gov'ts, large companies, and private sectors; 1,154 responses, 4,244 hours
Arnold Strasser, 395-5080

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—632-7737

Extensions

Mid-level data sheet
CSC-1058, A-12/76 and 1056-B-5/76
On occasion
Employment applications; 110,300 responses, 55,150 hours
Laverne V. Collins, 395-3214

UNITED STATES INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—523-0267

New Forms

Importer's questionnaire for inv. 303-TA-11
Nonrubber footwear components
Single time
U.S. importers of nonrubber footwear components; 20 responses, 160 hours
Marsha D. Traynham, 395-6140
Producers' questionnaire for inv. 303-TA-11
Single time
Producers of nonrubber footwear components; 150 responses, 1,200 hours
Marsha D. Traynham, 395-6140

Improving Government Regulations; Delay in Publication and Semi-Annual Agenda

December 18, 1979.

AGENCY: Office of Management and Budget.

ACTION: Delay in Publication of Semi-annual Agenda.

SUMMARY: The publication of OMB's semi-annual agenda of upcoming actions on OMB directives will be published in the Federal Register December 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. David R. Leuthold, Budget and Management Officer, Room 5208, New Executive Office Building, Washington, D.C. 20503, (202) 395-7250.

David R. Leuthold,

Budget and Management Officer.

[FR Doc. 79-39114 Filed 12-19-79; 8:45 am]
BILLING CODE 3110-01-M

on Wage and Price Stability forms which did receive public comment. These two forms have been approved with the understanding that the Council will not request companies to resubmit first year actual pay data—whether singly or in combination with data for other periods.

SECURITIES AND EXCHANGE COMMISSION

[Release 34-16426; File No. SR-NASD-79-12]

National Association of Securities Dealers, Inc.; Self-Regulatory Organizations; 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 on October 19, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The NASD's Statement of the Terms of Substance of the Proposed Rule Changes

Text of Proposed Rule Change

The following is the full text of the proposed revision of Schedule G under Article XVIII of the By-Laws of the National Association of Securities Dealers, Inc. ("Association"). The introduction to Schedule G and the entire text of section 1 are to be deleted and replaced; the remaining sections will be redesignated. (New language is indicated by italics, deleted language by brackets.)

Schedule G

This Schedule has been adopted pursuant to Article XVIII of the Corporation's By-Laws and shall apply to all over-the-counter transactions in listed securities that are required to be reported to the Consolidated Tape ("eligible securities"), as provided in the Plan filed by the Association pursuant to Rule 17a-15 under the Securities Exchange Act of 1934 ("Plan").

Section 1—Definitions

a. *Terms used in this Schedule shall have the meaning as defined in the By-Laws and Rules of Fair Practice, Rule 17a-15 and the Plan, unless otherwise defined in this Schedule.*

b. *"Consolidated Tape" means the consolidated transaction reporting system for the dissemination of last sale reports in eligible securities required to be reported pursuant to the Plan.*

c. *"Designated Reporting Member" means a member of the Association which executes over-the-counter transactions in eligible securities, maintains transaction reporting capability through the NASDAQ System, and has requested to be a Designated Reporting Member. The Association may also designate any member that effects a substantial number of over-the-counter transactions*

in eligible securities. A list of Designated Reporting Members is attached to this Schedule.

d. *"Eligible securities" means all common stocks, preferred stocks, long-term warrants, and rights entitling the holder to acquire an eligible security, listed or admitted to unlisted trading privileges on the American Stock Exchange or the New York Stock Exchange, and securities listed on regional stock exchanges, which substantially meet the original listing requirements of the New York Stock Exchange or the American Stock Exchange. A list of eligible securities listed on regional stock exchanges is attached to this Schedule.*

e. *"Non-Designated Reporting Member" means all members of the Association which are not Designated Reporting Members.*

Section 2—Transaction Reporting

a. When and How Transaction Reported

(1) *Designated Reporting Members shall transmit through the NASDAQ Transaction Reporting System, within 90 seconds after execution, last sale reports of transactions in eligible securities executed during the trading hours of the Consolidated Tape. Transactions not reported within 90 seconds after execution shall be designated as late.*

(2) *Non-Designated Reporting Members shall transmit through the NASDAQ Transactions Reporting System, or if such System is unavailable, via Telex, TWX or telephone to the NASDAQ Department in New York City, within 90 seconds after execution, last sale reports of transactions in eligible securities executed during the trading hours of the Consolidated Tape unless all of the following criteria are met:*

(A) *The aggregate number of shares of eligible securities which the member executed and is required to report does not exceed 1,000 shares in any one trading day; and*

(B) *The total dollar amount of shares of eligible securities which the member executed and is required to report does not exceed \$25,000 in any one trading day; and*

(C) *The member's transactions in eligible securities have not exceeded the limits of (A) or (B) above on five or more of the previous ten trading days.*

Transactions not reported within 90 seconds after execution shall be designated as late. If the member has reason to believe its transactions in a given day will exceed the above limits, it shall report all transactions in eligible securities within 90 seconds after

execution; in addition, if the member exceeds the above limits at any time during the trading, it shall immediately report and designate as late any unreported transactions in eligible securities executed earlier that day.

(3) *Non-Designating Reporting Members shall report weekly to the NASDAQ Department in New York City, on Form T, last sale reports of transactions in eligible securities which are not required by paragraph (2) to be reported within 90 seconds after execution.*

(4) *All Members shall report weekly to the NASDAQ Department in New York City, on Form T, last sale reports of transactions in eligible securities executed outside the trading hours of the Consolidated Tape.*

(5) *All trade tickets for transactions in eligible securities shall be time-stamped at the time of execution.*

b. Which Party Reports Transaction

(1) *Transactions executed on an exchange are reported by the exchange and shall not be reported by members.*

(2) *In transactions between two Designated Reporting Members, only the member representing the sell side shall report.*

(3) *In transactions between a Designated Reporting Member and a Non-Designated Reporting Member, only the Designated Reporting Member shall report.*

(4) *In transactions between two Non-Designated Reporting Members, only the member representing the sell side shall report.*

c. Information To Be Reported

Each last sale report shall contain the following information:

(1) *Stock symbol of the eligible security;*

(2) *Number of shares (odd lots shall not be reported);*

(3) *Price at which the transaction was executed.*

d. Procedures for Reporting Price and Volume

Members which are required to report pursuant to paragraph b. above shall transmit last sale reports for all purchases and sales in eligible securities in the following manner:

(1) *For agency transactions, report the number of shares and the price excluding the commission charged.*

Example: SELL as agent 100 shares at 40 less a commission of \$12.50; REPORT 100 shares at 40.

(2) *For dual agency transactions, report the number of shares only once, and report the price excluding the commission charged.*

Example: SELL as agent 100 shares at 40 less a commission of \$12.50; BUY as agent 100 shares at 40 plus a

commission of \$12.50; REPORT 100 shares at 40.

(3) For principal transactions, except as provided in paragraphs (i), (ii), and (iii) below, report each purchase and sale transaction separately and report the number of shares and the purchase and/or sale price including any mark-up or mark-down.

Example: BUY as principal 100 shares at 39%; REPORT 100 shares at 39%.

Example: BUY as principal 100 shares at 39%; SELL as principal 100 shares at 40%; REPORT 100 shares at 39% and REPORT 100 shares at 40%.

Exceptions:

(i) A principal transaction with a commission differential or equivalent which is separately disclosed on the confirmation shall be reported excluding the commission differential or equivalent.

Example: BUY as principal 100 shares at 40 less 1/8; REPORT 100 shares at 40.

(ii) A "riskless" principal transaction in which a member that is not a market maker in the security, after having received from a customer an order to buy, purchases the security as principal from another member or customer to satisfy the order to buy or, after having received from a customer an order to sell, sells the security as principal to another member or customer to satisfy the order to sell, shall be reported as one transaction in the same manner as an agency transaction, excluding the mark-up or mark-down.

Example: BUY as principal 100 shares at 40 to fill existing order; SELL as principal 100 shares at 40 plus mark-up of \$12.50; REPORT 100 shares at 40.

(iii) Consecutive, offsetting principal transactions involving a block of 5,000 or more shares executed within a five-minute period shall be reported as one transaction at the average price.

Example: 10:00 BUY as principal 5,000 shares at 39%; 10:04 SELL as principal 5,000 shares at 40%; REPORT 5,000 shares at 40.

Example: 10:00 BUY as principal 5,000 shares at 40 less 1/8 differential; 10:04 SELL as principal 5,000 shares at 40 plus 1/8 differential; REPORT 5,000 shares at 40.

If there are multiple transactions offsetting the block transaction within a five-minute period, this paragraph shall apply only if such transactions are executed at the same price.

Example: 10:00 BUY as principal 5,000 shares at 39%; 10:01 SELL as principal 2,500 shares at 40%; 10:04 SELL as principal 2,500 shares at 40%; REPORT 5,000 shares at 40.

All transactions reported under the above exception which are not reported

within 90 seconds after execution shall be designated as late.

e. Transactions Not Required To Be Reported

The following types of transactions shall not be reported for inclusion on the Consolidated Tape:

(1) transactions executed on an exchange;

(2) odd-lot transactions;

(3) transactions which are part of a primary distribution by an issuer or of a registered secondary distribution by an issuer or of a registered secondary distribution (other than "shelf distributions") or of an unregistered secondary distribution effected off the floor of an exchange;

(4) transactions made in reliance on Section 4(2) of the Securities Act of 1933;

(5) transactions where the buyer and seller have agreed to trade at a price substantially unrelated to the current market for the security, e.g., to enable the seller to make a gift;

(6) the acquisition of securities by a member as principal in anticipation of making an immediate exchange distribution or exchange offering on an exchange;

(7) purchases of securities off the floor of an exchange pursuant to a tender offer; and

(8) purchases or sales of securities effected upon the exercise of an option pursuant to the terms thereof or the exercise of any other right to acquire securities at a preestablished consideration unrelated to the current market.

(Existing Sections 2, 3 and 4 of Schedule G are to be renumbered.)

Summary of Provisions Governing Members' Requirement To Report Transactions in Eligible Securities

Chart I—General Reporting Requirements Under Section 2(b)

Member	Transaction	Member reports when contra-party is			
		Designated reporting member	Non-designated reporting member	Exchange	Customer
Designated reporting member	Buys from _____	No.	Yes.	No.	Yes.
	Sells to _____	Yes.	Yes.	No.	Yes.
Non-designated reporting member	Buys from _____	No.	No.	No.	Yes.
	Sells to _____	No.	Yes.	No.	Yes.

Chart II—Reporting Requirements for "Riskless" Transactions as Defined in Section 2(d)(3)(G)

Member	Transaction	Member reports when contra-party is			
		Designated reporting member	Non-designated reporting member	Exchange	Customer
Designated reporting member	Buys from customer and sells to _____	Yes.	Yes.	No.	Yes.
	Sells to customer and buys from _____	No.	Yes.	No.	Yes.
Non-designated reporting member	Buys from customer and sells to _____	No.	Yes.	No.	Yes.
	Sells to customer and buys from _____	No.	No.	No.	Yes.

Procedures of Self-Regulatory Organization

The revision of Schedule G was developed by the Association's National Market System Trading Committee and approved by the Association's Board of Governors on July 13, 1979, pursuant to Article XVIII of the By-Laws, which does not require approval by the membership for such changes.

The NASD's Statement of Purpose of Proposed Rule Change

The substance of Schedule G has not been materially altered, except as noted below, although the language and format have been revised for greater clarity and simplicity. Questions received from members and others had indicated to the Association that some persons misunderstood the application or requirements of Schedule G. Therefore, the provisions were rephrased and

rearranged more logically and examples were added to make the reporting requirements clearer. In addition, a summary chart of the reporting requirements has been appended to Schedule G.

There were also three substantive changes made in Schedule G. The first is in response to a concern that under current reporting methods, certain principal transactions may result in duplicate reporting to the Consolidated Tape. This occurs because members are required to report all purchase and sales transactions as principal, including situations in which the member purchases from one client and immediately sells a like amount of the security to another client. The two points for these transactions would occur almost simultaneously on the Consolidated Tape and would have the appearance of being unrelated transactions at the same or different prices. This concern relates primarily to block transactions involving in-house principal crosses. In a comparable transaction executed on an exchange, the exchange firm acts as agent for both sides of the transaction and the cross is reported as only one transaction. While the third market maker is required to report a block transaction within 90 seconds of execution, whether or not the other side of the trade has been consummated, the exchange firm in executing a similar block transaction can wait until both sides of the transactions have been assembled before taking the transaction to the exchange floor to be reported. In order to provide parity between exchange reporting procedures and those of the third market, the proposed rule change provides that in transactions involving 5,000 shares or more, where one or more offsetting transactions are executed within a five-minute period, the member shall report only one transaction at the average price. For illustration of this provision, see the examples under proposed Section 2, paragraph d(3)(iii).

The second substantive change deals with "riskless" transactions in which a member, other than a market maker, having received an order to buy, purchases the security from another party to satisfy the buy order or, having received an order to sell, sells the security to another party to satisfy the sell order. Under SEC Rule 10b-10, such transactions must be confirmed with the mark-up or mark-down disclosed, if the member is not a market-maker in the security. The Association has concluded that such riskless transactions should be reported to the Consolidated Tape as a single transaction, and at a price that

does not include the mark-up or mark-down.

The third change amends the exception from the 90-second reporting requirement for Non-Designated Reporting Members which do not execute transactions in eligible securities that exceed 500 shares or \$5,000 in any one trading day. This exception was established by the Board in recognition of the fact that some members execute only occasional reportable transactions. The Association has determined that the exemption criteria should be increased to 1,000 shares and \$25,000 on a single trading day since the burden real-time trade reporting places on the smaller firm that executes occasional transactions of 1,000 shares or fewer is not justified by the minimal public benefit to be derived from timely disclosure of these few transactions. This determination is based in part on a study by the Association's staff of third market transactions reported to the Consolidated Tape from April 2, 1979, through April 27, 1979, which showed that under the proposed criteria, an additional 23 firms would have been exempt from real-time trade reporting. However, these firms accounted for only 9,788 shares, which was 7/100 of 1% of all third market reported volume and 1/1000 of 1% of all volume reported on the Consolidated Tape during the four week period.

The NASD's Statement on Basis Under the Act for Proposed Rule Change

Section 11A(a)(1) of the Act provides:

The Congress finds that * * * [i]t is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure * * * the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities.

Section 15A(b)(6) of the Act, which applies to registered securities associations, requires that "(t)he rules of the association (be) designed * * * to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest * * *." Rule 17a-15 under the Act requires the Association to establish procedures for the reporting of transactions in listed securities. These provisions give the Association authority to require that all members report their transactions in eligible securities in order to provide more complete information to the investing public. Accordingly, the proposed amendments are consistent with the requirements of the Act.

Comments Received From Members, Participants or Others on Proposed Rule Change

No comment letters were solicited or received with respect to the proposed rule change, although certain of the provisions were implemented in response to problems previously noted by members.

The NASD's Statement on Burden on Competition

The Association believes the proposed rule change does not impose a burden on competition. The requirement that only one transaction be reported when a block of 5,000 shares is offset within five minutes will actually reduce the reporting burden on members, who now have to report, within 90 seconds, two or more transactions in such situations. In addition, it will provide parity between exchange reporting procedures and those of the third market.

The requirement that "riskless" transactions be reported as one transaction, exclusive of any mark-up or mark-down, imposes no burden on members which are already required by SEC Rule 10b-10 to disclose such charges on their customer confirmations.

Finally, as discussed above, the expanded exception to the real-time reporting requirements will be a benefit, not a burden, to members which effect only occasional transactions in eligible securities.

For these reasons, the Association has determined that the proposed rule change does not impose a burden on competition.

On or before January 24, 1980, 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 (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, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 10, 1980.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

December 14, 1979.

[FR Doc. 79-39033 Filed 12-19-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 700]

Fishery Conservation and Management Act of 1976; Applications for Permits To Fish Off the Coast of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the Federal Register.

Applications have been received from Taiwan and the Governments of the Republic of Cuba, the Federal Republic of Germany, the German Democratic Republic, Ireland, Italy, Japan, Korea, Mexico, the Polish People's Republic, Spain, and the Union of Soviet Socialist Republics for fishing during 1979 and are reproduced herewith.

Individual vessel applications for fishing 1979 have been received from Taiwan and the Government of Cuba, the Federal Republic of Germany, the German Democratic Republic, Ireland, Italy, Japan, Korea, Mexico, the Polish

People's Republic, Spain, and the Union of Soviet Socialist Republics and are summarized herein.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine

Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202)634-7432).

Dated: December 10, 1979.

James A. Storer,
Director, Office of Fisheries Affairs.

Fishery Codes and Designation of Regional Councils Which Review Applications for Individual Fisheries Are as Follows

Code	Fishery	Regional council
ABS	Atlantic Benthic Fishes and Sharks	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, and Caribbean.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Glnet.	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England and Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean)	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl	Pacific.

Activity Codes Specify Categories of Fishing Operations Applied for as Follows

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

[FR Doc. 79-39005 Filed 12-19-79; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-79-31]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this

notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: January 9, 1980.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on December 14, 1979.

Edward P. Faberman,
Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
15590	Embrey-Riddle	Appendices A, C, D, F, and H of 14 CFR Part 141.	Renewal of Exemption No. 2329 which permits petitioner to train the majority of its students to a performance standard instead of the prescribed minimum flight time requirements.
19833	Aeroservice International, Inc.	14 CFR §63.37	To allow issuance of a Flight Engineer Certificate when an alternate method is used to meet the five hours of panel time experience.
19835	Redmond Air	14 CFR §21.183(d)(1)	To permit issuance of a standard airworthiness certificate for certain import aircraft without a statement from the country of manufacture certifying that the aircraft conforms to the type design.

Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
19892	American Airlines Training Corporation	14 CFR § 141.33(a)(9)	To allow petitioner, as a pilot school certificate holder, to use as instructors for flight instruction in courses leading to the issuance of a type rating, airline designated instructor pilots who have airline transport pilot certificates with appropriate type ratings but who do not hold flight instructor certificates.
19893	Executive Aviation, Inc.	14 CFR § 91.116(c)	To allow petitioner to operate from Detroit City Airport when the field visibility is one half mile or greater but below the published one mile takeoff minimums.
19894	U.S. Air (formerly Allegheny Airlines)	14 CFR § 141.55(a)	To permit the use of an alternate combination of allocated simulator and aircraft training time in lieu of the present stipulation of 5 hours simulator and 5 hours aircraft training time.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
11585	Cathay Pacific Airways, Ltd.	14 CFR Parts 21, 61, and 91	To amend Exemption No. 2280C, as amended, to add L-1011 aircraft N316EA and to update the list of airman in the appendix. <i>Granted 12/6/79.</i>
11789	Transmeridian Air Cargo, Ltd.	14 CFR Parts 21, 61, 63, and 91	To amend and extend Exemption No. 2532 as amended for the operation of leased, U.S.-registered CL-44 aircraft N447T and update the list of crewmembers in the appendix. <i>Granted 12/5/79.</i>
18234	British Airways	14 CFR Parts 21, 61, 63, and 91	Petitioner requested an amendment of Exemption No. 2607 to allow the operation of a U.S.-registered Lockheed 1011 aircraft and add six additional crewmembers to the appendix. <i>Granted 11/24/79.</i>
18582	Frontier Airlines, Inc.	14 CFR § 121.443	To extend for one-year Exemption No. 2665 which expires December 30, 1979. It exempts Frontier pilots from the route and airport qualifications requirements for certain named airports and routes. <i>Granted 12/5/79.</i>
19493	Airfit International, Inc.	14 CFR § 121.389(a)(2)	The petitioner requests reconsideration of the FAA's denial of its application to allow a temporary exemption (60 days) to permit the continued use of a LORAN system which would be visible but not accessible to the pilot in command on two DC8-33 aircraft. <i>Withdrawn 10/24/79.</i>
19594	Mr. Donald K. Ford, Jr.	14 CFR § 135.243(a)	To permit petitioner to serve as a pilot in command for Air Hyannis Commuter Lines until reaching his 23rd birthday without holding an Airline Transport Pilot Certificate (ATPC). <i>Denied 12/7/79.</i>
19643	Northwest Airlines, Inc. (NWA)	14 CFR § 43.17	To allow Canadian Pacific Airlines (CPA) mechanics, who do not hold U.S. mechanic or repairman certificates, to perform maintenance on NWA B-747 aircraft in Amsterdam, The Netherlands. <i>Granted 11/30/79.</i>
19646	Swift Aire Lines	14 CFR § 121.703(d)	To extend the required delivery time frame of mechanical reliability reports from 24 hours to 72 hours after each 24-hour period. <i>Denied 12/4/79.</i>
19649	Robert Serafini	14 CFR §§ 65.91 (c)(1) and (c)(2)	To allow the petitioner to become eligible for an inspection authorization without meeting the time eligibility requirements. <i>Denied 12/4/79.</i>
19654	Gulfstream American Corporation	14 CFR § 21.165	To amend Exemption No. 2848 to revise condition No. 3 to permit removal of used engines and installation of new engines at a modification center. <i>Granted 12/6/79.</i>
19713	Briles Wing and Helicopter, Inc.	14 CFR § 135.99(b)	To allow the operation of helicopters configured with more than ten passenger seats without a second in command. <i>Denied 11/30/79.</i>
19752	Transamerica Airlines, Inc.	14 CFR § 121.291	To permit inauguration of passenger service with a Boeing 747 aircraft configured for 520 passengers without first conducting a full passenger seating capacity emergency evacuation demonstration from the aircraft. <i>Granted 12/11/79.</i>
19797	El Al Israel Airlines	14 CFR Parts 21, 61, 63, and 91	To allow the petitioner to operate a leased U.S.-registered B-747 and permit flight crewmembers to obtain U.S. airman certificates to operate the U.S.-registered aircraft. <i>Granted 12/12/79.</i>
19830	Flying Tiger Line	14 CFR § 121.291	To allow the operation of a B-747-212B without conducting the emergency evacuation demonstration. <i>Granted 12/3/79.</i>

[FR Doc. 70-38938 Filed 12-19-79 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration**National Highway Safety Advisory Committee; Public Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I), notice is hereby given of a meeting of the

National Highway Safety Advisory Committee to be held on January 15 and 16, 1980. The meeting will start at 8:30 a.m. on both days and will be held at the DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C.

On January 15 the Driver Licensing Task Force will meet in room 6200, and the Vehicle Mix Task Force will meet in room 7200. On January 16 the "55" Task

Force will meet in room 7200 and the Driver-Vehicle-Highway Compatibility Task Force will meet in room 6200. All Task Forces may continue their meeting on the day following that scheduled if necessary to complete their agenda.

Attendance is open to the interested public, but limited to the space available. With the approval of the Chairperson, members of the public may

present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5221, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C., on December 12, 1979.

Wm. H. Marsh,

Executive Secretary.

[FR Doc. 79-38749 Filed 12-19-79; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Spun Acrylic Yarn From Italy; Antidumping Withholding of Appraisal Notice and Determination of Sales at Less Than Fair Value

AGENCY: Treasury Department.

ACTION: Withholding of Appraisal and Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in the determination that spun acrylic yarn from Italy is being sold at less than fair value under the Antidumping Act, 1921. Appraisements of entries of this merchandise will be suspended for 3 months. This case is being referred to the International Trade Commission for a determination whether an industry in the United States is being, or is likely to be, injured by reason of such imports.

EFFECTIVE DATE: December 20, 1979.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Trade Analysis Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C., 20229, (202) 566-5492.

SUPPLEMENTARY INFORMATION: On May 21, 1979, a petition in proper form was received from counsel on behalf of the American Yarn Spinners Association, Gastonia, North Carolina, alleging that spun acrylic yarn from Italy is being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, an industry in the United States, 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 and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the Federal Register of July 2, 1979 (44 FR 38696).

For purposes of this investigation, the term "spun acrylic yarn" means spun yarn of acrylic, provided for in item 310.50, Tariff Schedules of the United States.

Determination of Sales at Less Than Fair Value

I hereby determine that, for the reasons stated below, spun acrylic yarn from Italy is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of Reasons on Which This Determination Is Based

The reasons and bases for the above determination are as follows:

a. *Scope of the Investigation.* It appears that virtually all imports of the subject merchandise from Italy were manufactured by Maglificio Varianini S.p.A., Fraver S.p.A., Orlandi Filatura S.p.A., and Zegna Baruffa S.p.A.; therefore, the investigation was limited to these manufacturers. However, these companies declined to answer the antidumping questionnaire, stating that they planned to cease shipments to the United States. Fraver did present price information on a single sale which was substantiated by information from Customs field offices. Because this information specified a particular type of yarn and cost information was subsequently furnished by the petitioner on that type of yarn, the investigation was limited to this single sale.

b. *Basis of Comparison.* For purposes of this determination, the proper basis of comparison is between the purchase price and the constructed value of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used because export sales to the United States were made to unrelated customers. Constructed value, as defined in section 206 of the Act (19 U.S.C. 165), was used since no home market prices were furnished by the respondents, and the home market prices shown in the petition were less than the cost of production shown in the petition and related to a different quality of yarn than the one for which purchase price information was obtained.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was sought concerning imports during the period January 1 through June 30, 1979. Since the merchandise exported by Fraver during that period was sold during the second quarter of 1978, cost information was developed for that particular yarn produced during that quarter.

c. *Purchase Price.* For purposes of this determination, since all merchandise was purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account it was imported, within the meaning of section 203 of the Act (19 U.S.C. 162), purchase price has been calculated on the basis of the f.o.b. price to the United States importer. The price per kilogram was adjusted to a price per pound in order to relate to the cost of production data supplied. No other adjustments were claimed or made.

d. *Constructed Value.* For purposes of this determination, the constructed value has been calculated, in accordance with section 206 of the Act (19 U.S.C. 165), based on data furnished in a supplementary submission from the petitioner. Information was submitted regarding the cost of materials, usual general expenses in the industry (the value of which exceeded the statutorily mandated amount of 10 percent), a profit of 8 percent of the costs of the foregoing categories, and the cost of packing.

The home market prices indicated in the petition were not used because they were below the cost of production shown in the petition and related to a different quality of yarn than the one for which purchase price data had been acquired.

e. *Result of Comparison.* Using the above criteria, a comparison was made on one sale of spun acrylic yarn to the United States during the representative period. Comparisons were limited by the failure of the Italian respondents to furnish export and home market data. A margin was found of 48.05 percent.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to § 153.40, Customs Regulations (19 CFR 153.40).

Based on the reasons stated above, Customs officers are being directed to withhold appraisal of spun acrylic yarn from Italy in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisal, which is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective December 20, 1979. It shall cease to be effective at the expiration of 3 months from the date of this publication unless previously revoked.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

Robert Mundheim,

General Counsel of the Treasury.

December 14, 1979.

[FR Doc. 79-38973 Filed 12-19-79; 8:45 am]

BILLING CODE 4810-22-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29193]

Southern Pacific Transportation Co. Trackage Rights Over Sacramento Northern Railway Between Cannon, Dozier, and Montezuma, CA

Southern Pacific Transportation Company (SPT), One Market Plaza, San Francisco, CA 94105, represented by Mr. T. A. Miller, General Commerce Counsel, Southern Pacific Transportation Company, One Market Plaza, San Francisco, CA 94105, hereby give notice that on the 30th day of November, 1979, it filed with the Interstate Commerce Commission at Washington, DC, an application under 49 U.S.C. 11343 to operate certain of its trains under trackage rights over the Montezuma line of the Sacramento Northern Railway (SN), for a distance of approximately 21.5 miles between SN's milepost 7.86 at Cannon, CA, and the end of its track at milepost 49.72 near Montezuma, CA in Solano County, CA. Acceptance of the proposed trackage rights agreement will permit a sharing of joint track expenses, superior shipper service, and enhance the prospect of future shipper location on the line.

In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 29193 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20424, not later than 45 days after

the date notice of the filing of the application is published in the Federal Register. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-39049 Filed 12-19-79; 8:45 am]

BILLING CODE 7035-01-M

[Docket AB-105 (Sub- 1F)]

Western Pacific Railroad Co. Discontinuance of Service Near Bieber and Hambone, CA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided November 29, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line F. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the discontinuance of service by the Western Pacific Railroad Company of a line of railroad known as its Bieber-Hambone line extending from railroad milepost 111.808 on its Northern California Extension near Bieber, CA, to its connection with the McCloud River Railroad (MCR) at Hambone, CA, a distance of approximately 46.08 miles, all of which line is owned and operated by the Burlington Northern (BN), and Applicant's operation is by trackage rights granted by Burlington Northern pursuant to agreements between Applicant and BN. All of the said line is within the counties of Lassen, Modoc and Siskiyou, CA. A certificate of public convenience and necessity permitting abandonment was issued to the Western Pacific Railroad Company. Since no investigation was instituted, the requirement of Section 1121.38(a) of the Regulations that publication of

notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than January 4, 1980. The offer, as filed, shall contain information required pursuant to 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-39047 Filed 12-19-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 246

Thursday, December 20, 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 CREDIT CORPORATION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published in December 14, 1979, 44 FR 72700.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., December 21, 1979.

STATUS: Open.

CHANGE IN AGENDA: Adds item 12 which is listed as: Memorandum re: proposal to develop program for CCC to assume commercial and non-commercial risks on export sales of agricultural commodities on private credit.

CONTACT PERSON FOR MORE INFORMATION: Bill Cherry, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, Telephone (202) 447-7583.

[S. 2460-79 Filed 12-18-79; 10:54 am]

BILLING CODE 3410-05-M

2

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: December 14, 1979, 44 FR 72700.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: December 19, 1979, 9:00 a.m.

CHANGE IN THE MEETING: The description of item 3 on the closed portion is corrected to read:

3. Docket No. 79-10: Rates of Far Eastern Shipping Company—Petitions for reconsideration.

[S-2464-79 Filed 12-18-1979; 12:03 pm]

BILLING CODE 6730-01-M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: December 20, 1979, 8:30 a.m.

PLACE: Hearing Room 1, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Open.

MATTER TO BE CONSIDERED: Docket No. 78-46: Financial Exhibits and Schedules of Common Carriers in the Domestic Offshore Trades—Review of Comments.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-2463-79 Filed 12-18-1979; 12:023 pm]

BILLING CODE 6730-01-M

4

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11:00 a.m., Monday, December 17, 1979.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a meeting on December 5, 1979.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 17, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[S-2461-79 Filed 12-18-79; 10:54 pm]

BILLING CODE 6210-01-M

5

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of Change in Subject of Meeting

The National Credit Union Administration Board has determined that its business requires that the previously announced meeting on December 20, 1979, include an additional item which will be open to public observation:

Agency policy establishing procedures to enforce 18 U.S.C. 207(j), Ethics in Government Act of 1978.

Earlier announcement of this change was not possible.

The previously announced items are:

1. Review of Central Liquidity Facility Lending Rates.
2. Central Liquidity Facility Repayment Agreements.
3. Conforming changes to Central Liquidity Facility Regular Member Agreements.
4. Waiver of Statutory Reserve Requirement for federally insured credit unions for calendar year 1979. Section 116 of the Federal Credit Union Act.
5. Interagency policy statement of disposition of credit like insurance income.
6. Interagency policy statement for uniform disclosure of statutory enforcement actions.
7. Applications for charters, amendments to charters, bylaw amendments mergers, conversions and insurance as may be pending at that time.

The meeting will be held at 9:30 a.m. in the Board's offices at 1776 G St., N.W., Washington, D.C. Information may be obtained from Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

Chairman Lawrence Connell and Board Members P. A. Mack and Harold Alonza Black voted unanimously to accept this addition to the agenda.

[S-2462-79 Filed 12-18-1979; 11:11 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration**

23 CFR 170, 172, 420 and 620

[FHWA Docket No. 78-17]

Administration of Negotiated Contracts

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This rule consolidates three existing regulations regarding procedures for administering negotiated contracts. "State Contract Administration for other than Competitively Bid Contracts," "Highway Planning and Research and Development Contracts," and "Engagement of Consultants for Engineering Services" are superseded and replaced by a uniform set of procedures. The rule conforms Federal Highway Administration (FHWA) procedures for the administration of certain federally-aided procurement contracts to the procedures of OMB Circular No. A-102, Uniform Administrative Requirements for Grants-in-Aid by State and Local Governments, Attachment O, Procurement Standards. It also minimizes redtape by providing for State and local governments to develop uniform procedures for the procurement of services, supplies, and equipment with Federal funds administered by the FHWA.

EFFECTIVE DATE: January 21, 1980.

FOR FURTHER INFORMATION CONTACT: Dwight Hodgins, Systems and Program Review Branch, Program Management Division, 202-426-0175; or Wilbert Baccus, Attorney, Office of the Chief Counsel, 202-426-0786, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On November 2, 1978, the FHWA issued a proposed rule, published at 43 FR 51040, FHWA Docket No. 78-17. Comments to the docket and internal FHWA coordination resulted in the changes reflected in the final rule. Significant changes and comments are discussed in the following paragraphs. On August 1, 1979, the Office of Management and Budget issued a revised Attachment O to Circular No. A-102 in a completely new format. References to specific paragraphs of Attachment O in the

following discussion are for the one in effect on November 2, 1978.

Note.—In an attempt to align the internal FHWA numbering system of directives more closely with that of Title 23, Code of Federal Regulations, for easier access and reference, the FHWA is changing the citation for this regulation from the *proposed* 23 CFR Part 173 to the *final rule* 23 CFR Part 172.

Discussion of Major Comments

Some comments were received regarding proposed changes to Attachment O published as a Notice of Proposed Rulemaking on December 6, 1978, (FR Vol. 43, No. 235, pages 57201-5) because of the close relationship of this regulation to Attachment O. Of special concern was the proposed requirement that price be included in proposals as a required factor in competitive negotiation of services. The August 1, 1979, final rule for Attachment O provides for a continuation of current practice that allows for the selection of architects/engineers on the basis of qualifications after which a price is negotiated.

Several other comments are directly addressed by the August 1, 1979, revision of Attachment O including recommendations to prohibit percentage-of-construction-cost type contracts. The revision to Attachment O also nullifies the need to separately address records in the final rule.

Several comments were received that pertinent sections of referenced material, generally OMB Circular No. A-102 and Title 41, CFR, should be included in the regulation as an attachment, or be given concurrent distribution. We believe that agencies having contracts which include Federal funds for the most part already have these pertinent laws and regulations. If not, they are readily available from the U.S. Government Printing Office or the cognizant Federal agency.

Some questions were raised regarding OMB Circular No. A-102, Attachment O, Paragraphs 3(b) and 3(c)(6)(h) which require maximum open and free competition.

A comment was received that the use of the terms "maximum open and free competition" and "maximum feasible opportunity" in Attachment O will cause difficulty in determining deficiencies since such terms are subject to interpretation. The contracting agency's procedures must show how it will achieve these goals; therefore, yardsticks will be available in the contracting agency's own procedural statements for the FHWA to measure performance.

A comment was made that the requirement in paragraph 3(a) of

Attachment O regarding a code of conduct may require some States to enact new laws or regulations and wondered if existing certification requirements would fulfill this requirement. The intent of the new regulation is to fully conform to Attachment O which unequivocally requires a code or standards of conduct. This is not an unreasonable requirement, therefore, we believe any State or local government agency which does not already have an acceptable code of conduct should enact laws, develop regulations, or take other necessary actions before receiving Federal funds.

It was suggested that guidance be provided on the maximum acceptable fees as specified in 41 U.S.C. 254. When maximum acceptable fees are specified, there is a tendency for use of the maximum without regard to other factors which may reduce the fee, such as the extent of participation by the contracting agency, e.g., furnishing property, tools, or facilities, or supervisory services. Federal participation would be limited to the maximum fees specified in 41 U.S.C. 254, however.

Concern was expressed that the regulation removes the FHWA's discretionary power to become involved in individual contracts once procedures have been approved. This is not the case. As part of its general overview responsibility, FHWA may intervene when considered necessary in any phase of work using Federal funds. In fact, review of activities during contractor selection, negotiation, and performance for a sample of contracts is a necessary part of FHWA monitoring of contracting procedures.

It was pointed out that existing 23 CFR 620.313 requires that all contracts for engineering services to be financed with Federal-aid Interstate funds must be submitted for prior FHWA approval even when there are approved procurement procedures. Under this regulation, if there are acceptable procedures, Interstate funded contracts need not be submitted for separate approval.

A question was raised concerning this regulation's effect on Certification Acceptance (CA). There should be no direct effect on CA under 23 CFR 640 (or 642). However, State and FHWA officials should be aware of the principles of this regulation when they review the State laws, regulations, directives, and standards and State capability for accomplishing the nine major objectives of Title 23, United States Code, as prescribed in 23 CFR

640.109, and when periodic evaluations are made under § 640.115.

A suggestion was accepted that § 173.3(f) of the proposed rule, now § 172.5(f), be revised to expand the application to all highway related safety standard activities funded under 23 U.S.C. 402. Also, it was pointed out that the Governor's Highway Safety Representative was not identified. Therefore, throughout the regulation, language has been revised or added to recognize the State agent for 23 U.S.C. 402 funds.

Several proposals were made that the regulation should apply to some or all of the types of activities excluded by paragraph (c) of § 173.1 of the proposed rule. It has been determined that the separate regulations will continue in effect for the excluded activities.

Several comments were received related to § 173.5 of the proposed rule, now § 172.7, Procurement Standards. The comments regarding paragraphs (b)(1) through (b)(4) of § 173.5 indicated the need to rewrite for clarification as well as to revise certain requirements.

Because of confusion over the terms "audit evaluation" and "pre-audit," the latter was deleted and the first was defined. In addition, "cost or price evaluations" is now used. These terms are discussed in 41 CFR 1-3.8 and are consistent with Attachment O of OMB Circular A-102. Also, criteria for audit evaluations of proposals of less than \$50,000 are included.

It was suggested that the \$50,000 minimum requiring an audit evaluation be raised to \$100,000 because of inflation. Regardless of inflation, \$50,000 is still considered necessary by the cognizant office for adequate control of contract costs.

Also, a suggestion was made that the regulations require audit evaluations of only the first of annual reimbursement contracts with nonprofit organizations. For this case, after the first year, auditors would depend on the first review, making additional checks only to the extent necessary because of changed conditions. Therefore, follow-up audit evaluations should not be onerous or hold up subsequent annual contracts.

Confusion was expressed over what kind of audit evaluations are required. There are two, one is of a potential contractor's cost proposal, and the other is of the contractor's accounting procedures to determine if allowable costs can be segregated and accumulated. Depending on the type of contract, one or both types of audit evaluations are needed. The evaluation of the cost proposal occurs prior to negotiation; evaluation of accounting

procedures may occur then or later, before a contract is executed.

The proposed rule explicitly required evaluation of accounting procedures for certain types of contracts. The explicit language has been dropped; paragraph (c)(2) of § 172.7 requires audit evaluations where there is inadequate knowledge of the prospective contractor's accounting policies, etc. Thus, the contracting agency has the discretion to decide if the accounting procedures are adequate, or if additional tests should be made.

Paragraph (d) of § 172.7, formerly § 173.5(b)(4), has been rewritten to make it clear that contracting agencies may establish their own cost principles. However, reimbursement will be limited to the Federal share of costs which are allowable under Federal cost principles of 41 CFR Part 1-15.

Two requirements were added regarding contract administration procedures providing for determining the reasonableness, allowability and allocability of costs, and the maintenance of accounting records. These requirements were added because of the recognition of the importance of such procedures during contract administration as well as during negotiation.

Paragraph (b) of § 172.9, formerly § 173.7(c), has been retitled *Documentation rather than Reports* to indicate the broader nature of the requirement.

A comment from a Metropolitan Planning Organization (MPO) proposed that FHWA be responsible for identifying the audit agency and to notify the SHA and MPO of the audit findings. The FHWA will assist in such efforts; however, it is the contracting agency's responsibility to assure that all requirements are met.

Paragraph (a) of former § 173.9, now § 172.11, has been subdivided and the language slightly changed to clarify meanings.

There was a comment that paragraph (a) of § 172.11, formerly § 173.9, be rewritten to clearly show the two options, i.e., approval of procurement procedures or approval of individual projects. The intent of both Attachment O of OMB Circular A-102 and this regulation is for contracting agencies to have acceptable procedures. The option of approving individual contracts is viewed as an interim measure until procurement procedures have been approved.

It was suggested that paragraph (d) of § 172.11, formerly paragraph (b), § 173.9, be clarified to show that if proposed consultant work or subsequent modifications are included in an MPO's

approved Unified Work Program (UWP) then no further FHWA approval is needed. It is intended that the term "as a project or as part of a program" cover UWP's.

Comments indicated that there was confusion as to whether changes in the scope of work or supplemental agreements needed FHWA approval. Paragraph (d) of § 172.11, formerly paragraph (b), § 173.9, has been revised to clarify that it is the change scope of work which must have approval.

Explanatory language has been added to the regulation in order to clarify the following provisions: § 172.3(c)—application; § 172.9(a)—civil rights; § 172.9(b)—documentation of contract provisions; § 172.9(d)—copyrights; and § 172.11(d)—significant changes in scope of work.

In consideration of the foregoing, and under the authority of 23 U.S.C. 104(f), 114(a), 307(c), and 315 and 402 and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b), Chapter I of Title 23, Code of Federal Regulations, is amended by removing and reserving Parts 170; 420, Subpart B; and 620, Subpart C; and by adding a new Part 172 as set forth below.

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

Issued on: December 10, 1979.

Karl S. Bowers,
Federal Highway Administrator.

PART 170 [REMOVED AND RESERVED]

1. Part 170 is removed and reserved.
2. Part 172 is added to read as follows:

PART 172—ADMINISTRATION OF NEGOTIATED CONTRACTS

Sec.	
172.1	Purpose.
172.3	Application.
172.5	Definitions.
172.7	Procurement standards.
172.9	Contract provisions.
172.11	Approvals.

Authority: 23 U.S.C. 104(f), 114(a), 307(c), 315 and 402; 49 CFR 1.48(b); and Office of Management and Budget (OMB) Circular No. A-102.

§ 172.1 Purpose.

To set forth policies and standards for negotiated contracts to ensure that a qualified contractor is obtained through

an equitable selection process, and that prescribed work is properly accomplished in a timely manner, at a just and reasonable cost.

§ 172.3 Application.

(a) These policies and standards are to be followed by State and local government agencies in the procurement of services, supplies, or equipment through negotiated contracts with funds made available under Title 23, United States Code.

(b) This regulation applies to the following activities:

- (1) Planning, research, and development;
- (2) Preliminary engineering;
- (3) Construction engineering; and
- (4) Highway related safety program.

(c) Procedural requirements for other negotiated contracts are contained in applicable regulations and directives for the respective program areas. Procurements not covered by this regulation include:

- (1) Construction contracts;
- (2) Utility or railroad company administered contracts for utility relocations or railroad-highway projects;
- (3) Supportive services and on-the-job-training contracts;
- (4) Contracts for right-of-way activities; and
- (5) Contracts under the rural highway public transportation program.

§ 172.5 Definitions.

The terms used in this regulation are defined in 23 U.S.C. 101(a); 23 CFR 450, Subpart A; 41 CFR Subtitle A, Chapter 1; OMB Circular No. A-102; as supplemented below.

(a) *Contracting agency.* The State highway agency (SHA), Governor's highway safety representative (GHSR), or local government which has responsibility for the procurement.

(b) *Local government.* For purposes of this regulation, local governments also include Metropolitan Planning Organizations (MPOs) as defined in 23 CFR 450.104.

(c) *Planning, research, and development.* Activities undertaken utilizing funds made available under 23 U.S.C. 104(f) or 307(c).

(d) *Preliminary engineering.* All project oriented work leading to an involved in the production of construction plans, specifications, and estimates including environmental assessments, public liaison, surveys, design, and related work.

(e) *Construction engineering.* Surveys and stakeouts, inspections, testing materials, checking shop drawings, revising plans, reporting construction

operations, preparing periodic estimates, and related work.

(f) *Highway Related Safety Program.* All activities undertaken utilizing funds made available under 23 U.S.C. 402 which are administered by the Federal Highway Administration (FHWA).

(g) *Audit evaluation.* Examination of contractor records made in accordance with generally accepted auditing standards, including "Standards of Governmental Organizations, Programs, Activities, and Functions" published by the General Accounting Office.

§ 172.7 Procurement standards.

(a) The contracting agency shall comply with the standards of Attachment O, OMB Circular No. A-102, and this regulation in establishing procedures for the procurement of services, supplies, or equipment with Federal funds.

(b) The SHA's and GHSR's procedures shall ensure that procurement actions by or through other State agencies or local governments comply with Attachment O, OMB Circular No. A-102, and this regulation.

(c) Before a contract is awarded, the contracting agency shall determine and document in its files that the proposal has been subjected to technical and cost or price evaluations, as appropriate, and how the results of these evaluations were considered in the contract negotiations. Appropriate cost or price evaluations shall include:

(1) An audit evaluation prior to negotiation of proposals for which the total costs exceed, or are expected to exceed, \$50,000.

(2) Audit evaluations of proposals of less than \$50,000 where a valid need exists, such as:

(i) Inadequate knowledge concerning the prospective contractor's accounting policies, cost systems, or substantially changed methods or levels of operation;

(ii) Previous unfavorable experience indicating doubtful reliability of the prospective contractor's estimating, accounting, or purchasing methods, or

(iii) Procurement of a new product for which cost experience is lacking.

(d) Contracting agencies may establish cost principles for determining the reasonableness and allowability of costs. Reimbursement will be limited to the Federal share of costs which are allowable under Federal cost principles, contained in 41 CFR Part 1-15 (Federal Procurement Regulations). Specifically, these are:

(1) For contracts between the State or local governments and commercial organizations, Subpart 1-15.2, as modified by Subpart 1-15.102;

(2) For contracts between the State or local governments and educational institutions, Subpart 1-15.3; and

(3) For contracts between the State and local governments, or between local governments, Subpart 1-15.7 (Subpart 1-15.7 is the same as Federal Management Circular 74-4.)

(e) Applicable cost principles shall be reference in each contractual document.

(f) Contract administration procedures shall provide for:

(1) Determining contractor conformance with the terms, conditions, and specifications of the contract and the propriety of claims prior to final settlement of all contracts;

(2) Determining the reasonableness, allowability, and allocability of costs in accordance with the provisions of 41 CFR Part 1-15;

(3) The maintenance of accounting records that are supported by source documentation, and that will facilitate comparison of actual to proposed costs;

(4) The control, utilization and disposition of property or equipment acquired using Federal funds. The procedures shall comply with the property management standards set forth in Attachment N, OMB Circular No. A-102.

§ 172.9 Contract provisions.

The contracting agency shall ensure that all contracts include, to the extent appropriate, provisions required by Attachment O, OMB Circular No. A-102, and the following:

(a) *Civil Rights.* All contracts awarded by grantees, subgrantees, and their contractors shall contain provisions requiring compliance with Title VI of the Civil Rights Act of 1964, as amended. Accordingly, 49 CFR 21 through Appendix H and 23 CFR 710.405(b) shall be made applicable by reference in all contracts and subcontracts financed in whole or in part with Federal-aid highway funds.

(b) *Documentation.* Contracts, where appropriate, shall provide that the contractor document the results of the work to the satisfaction of the contracting agency and the FHWA. This may include preparation of progress and final reports, plans, specifications and estimates, or similar evidence of attainment of the contract objectives.

(c) *Patent rights.* Applicable patent rights provisions described in 41 CFR 1-9.1 regarding rights to inventions shall be included in contracts as appropriate.

(d) *Copyrights.* The contracting agency may permit copyrighting of reports or other contract products. If copyrights are permitted, the contract shall provide that the FHWA shall have the royalty-free nonexclusive and

irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.

(e) *Subcontracts.* (1) All contracts shall show that the prime contractor is required to perform all work except specialized services or other tasks specifically exempted in the contract, except that governmental recipients of 23 U.S.C. 104(f) or 402 funds may subcontract as necessary to accomplish approved work program activities.

(2) All contracts shall provide that subcontracts exceeding \$10,000 in cost shall contain all required provisions of the prime contract.

(f) *Other provisions.* Following is a list of other provisions normally included in contracts:

- (1) Scope of work;
- (2) Time period covered;
- (3) Contract price, including limiting amounts for all contracts;
- (4) Changes in work;
- (5) Disputes;
- (6) Obligations of contracting agency;
- (7) Ownership of documents;
- (8) Inspection of work; and
- (9) Equipment and instrumentation required.

§ 172.11 Approvals.

(a) The FHWA will evaluate the SHA's and the GHSR's procurement procedures, as necessary, to ascertain compliance with Attachment O, OMB Circular No. A-102, and this regulation.

(b) The SHA's and GHSR's are encouraged to perform reviews of subgrantees procurement systems to minimize the need to review individual contracts.

(c) In the absence of acceptable procurement procedures, individual contracts exceeding \$10,000 in cost, along with information showing compliance with Attachment O, OMB Circular No. A-102, and this regulation, shall be submitted for approval by the FHWA prior to execution.

(d) For every contract, the proposed work must receive prior FHWA approval and authorization as a project or as part of a program. Significant changes in the scope of work of a contract shall also be submitted for FHWA review and approval prior to proceeding with the new work. Significant changes are those which require execution of supplemental agreements.

PART 620 [REMOVED AND RESERVED]

(4. Part 620 is removed and reserved.

[FR Doc. 79-38518 Filed 12-19-79; 8:45 am]
BILLING CODE 4910-22-M

PART 420 [REMOVED AND RESERVED]

3. Part 420 is removed and reserved.

Thursday
December 20, 1979

14 CFR Part 36

Part III

**Department of
Transportation**

Federal Aviation Administration

**Aircraft Operating Noise Limits;
Compliance Plans and Expanded
Definition of "Replacement Airplanes"**

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 91

[Dockets Nos. 18955 and 18924; Amdt. 91-161]

Aircraft Operating Noise Limits; Compliance Plans and Expanded Definition of "Replacement Airplanes"

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment (1) requires operators of turbojet airplanes covered by the rule to submit their respective plans for achieving timely and continuing compliance with the applicable noise limits and (2) expands the definition of "replacement airplanes." The operating noise limits rule applies to "U.S. registered civil subsonic turbojet airplanes with maximum weights over 75,000 pounds and having standard airworthiness certificates." The DOT/FAA has repeatedly stated its intent to obtain reasonable adherence to the phased noise reduction program set forth in Part 91, Subpart E. Since the first compliance date is approaching, it is advisable to require the operators to submit compliance plans so that the FAA can make appropriate plans for orderly administration of the rule. The nature and mobility of airplane fleets of the various aircraft operators covered by the rule, make it difficult for the FAA to obtain specific fleet and airplane compliance information in a comprehensive and uniform manner. While the FAA has continuously stated its intent to enforce the prescribed compliance schedule, the effectiveness of that enforcement is improved by requiring that current and updated operator plans for achieving and maintaining compliance are developed and made available to the FAA and the public. This amendment permits replacement of noncomplying airplanes with previously ineligible "Stage 1" or "Stage 2" airplanes that have been reengined, or otherwise modified, and certificated as "Stage 3 airplanes." The original operating noise limits rule assumed that this kind of modification would not be attractive within the compliance period. Accordingly, it permitted replacement only by airplanes shown to comply with Part 36 noise levels prior to the issuance of an original standard airworthiness certificate. Recent developments suggest that that assumption was wrong. If it had been possible to foresee the current reengining proposals that modify

existing aircraft to become Stage 3 airplanes, the FAA would have proposed to include those reengined airplanes as replacement airplanes in the original rulemaking. Therefore, those recertificated "Stage 3 airplanes" are being made eligible as "replacement airplanes" under the rule in order to increase the protection provided to the public health and welfare as contemplated under section 611 of the Federal Aviation Act of 1958, as amended.

DATES: Effective date: December 20, 1979.

Initial compliance plan due: Ninety days after notice is published in the Federal Register that the requirements of new § 91.308 have been approved by the office of Management and Budget or 90 days after commencing operation of airplanes covered by § 91.308, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Tedrick, Program Management Branch (AEE-110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755-9027.

SUPPLEMENTARY INFORMATION:

Regulatory History

On December 17, 1976, the FAA adopted Subpart E of Part 91 of the Federal Aviation Regulations (41 FR 56046; December 23, 1976), which prescribes operating noise limits for certain "U.S. registered, civil subsonic turbojet airplanes with maximum weights over 75,000 pounds and having standard airworthiness certificates." Those requirements prohibit the operation in the United States of affected airplanes after specified dates unless they have been shown to comply with the noise levels ("Stage 2") prescribed under Part 36 in accordance with the provisions of Subpart E. For airplanes operated under operating certificates issued under Parts 121 and 135, Subpart E prescribes a phased compliance schedule requiring specified portions of an operator's fleet to achieve and maintain compliance by 1981 and 1983, with full and continuing compliance by all affected airplanes by 1985. Thus, on and after January 1, 1985, no person may operate in the United States any airplane covered by Subpart E, including those operated under Parts 91, 121, 123, and 135, unless compliance has been shown. Compliance may be achieved by the acoustical modification, or "retrofit," of noncomplying airplanes

or through their replacement with complying airplanes.

On April 26, 1979, the FAA published Notice No. 79-9 (44 FR 24778), which proposed amendments to the aircraft operating noise limits rule (1) to require operators of turbojet airplanes covered by the rule to submit their respective plans for achieving timely and continuing compliance with the applicable noise limits and (2) to expand the definition of "replacement airplanes" under the rule. The notice proposed to permit replacement of noncomplying airplanes with currently ineligible "Stage 1" or "Stage 2" airplanes that have been reengined, or otherwise modified, and certificated under Part 36 as "Stage 3 airplanes." The current rule permits replacement only by airplanes shown to comply with Part 36 noise levels prior to the issuance of an original standard airworthiness certificate. The notice indicated that those recertificated "Stage 3 airplanes" should be eligible as "replacement airplanes" under the rule.

On April 26, 1979, the FAA also published for public comment a petition of the Air Transport Association of America (ATA) dated March 23, 1979, on behalf of its member air carriers, to eliminate the initial, January 1, 1981, phased compliance date under § 91.305 of Subpart E and to substitute for it a requirement that each operator submit a plan to the FAA by January 1, 1980, showing how it intends to comply with the 1983 and 1985 compliance dates (44 FR 24782; April 26, 1979). Docket No. 18924 was assigned to the ATA petition. This amendment partially grants the ATA petition with respect to the submission of compliance plans by each operator of aircraft covered by the rule. The FAA will also respond separately to the ATA petition under FAR Part 11.

The Need for This Amendment

Since its adoption in 1976, public, Congressional and other government interest in the achievement of the full benefits of the rule has increased significantly. The FAA has received numerous suggestions from the public and members of Congress that, in light of the rapidly approaching compliance dates of a rule designed to provide vital relief to millions of Americans living near airports, the FAA should move promptly to improve its compliance monitoring ability and to require the submission of compliance plans by airplane operators at the earliest practicable date. Of particular interest is the progress being made by air carriers and commercial operators who face the first phased compliance date of January 1, 1981.

At the time it adopted the rule, the FAA had data and status reports concerning Part 36 compliance of airplanes in the various operator fleets upon which it based its analysis of the effects of the rule. However, since that time, the FAA has not had sufficient information on which to accurately assess the current or planned compliance status of the individual airplanes within the respective operator fleets. The complexities of the composition of those fleets, with numerous types and models of aircraft, their mobility, their requirements for repair and maintenance, and the generally changing nature and composition of the fleets, have made it virtually impossible for the FAA to obtain reliable, uniform, and continuously current information on fleet composition showing its current and planned future compliance status.

The FAA intends to ensure that compliance with the provisions of Subpart E is not compromised by planning failures that could have been avoided. If the FAA is unaware of problems or potential problems that might delay full compliance, it is unable to respond or take corrective action to alleviate those matters. Every effort will be made to ensure that the benefits of the Subpart E operating noise limits are achieved without delay.

Therefore, to avoid possible problems associated with inadequate monitoring of compliance and unreasonable delays in operator planning which may make compliance uncertain or impractical, the FAA should establish a program of required operators' noise compliance plans. The notice and the ATA petition proposed to require the submittal of compliance plans. Since airplane operators covered by the noise compliance rule should already have the necessary information as part of their fleet management programs and the strategies developed to achieve the required compliance, the objectives of the proposal can be achieved with a minimum of cost or other burden on the operators in submitting those plans and data under the reporting requirements prescribed by this amendment. Since any false statement or information submitted under § 91.308 may be punishable by fine or imprisonment under 18 U.S.C. 1001, reference to those provisions is included in the rule.

If those airplanes engaged in foreign air commerce, which are not required to comply (such as under an approved apportionment plan), are subsequently required to comply with Subpart E of FAR Part 91, the FAA will consider

extending the reporting requirement to those airplanes.

In its original investigation of the "replacement airplane" concept, the FAA did not contemplate that the older, noncomplying airplane types were susceptible to reengining, or other acceptable modifications to achieve noise levels much below the "Stage 2" noise limits. At that time, the newest technology represented by turbojet engines with bypass ratios greater than two had no successful application to these older airplanes for which airworthiness certificates had been issued in the past. Accordingly, the rule permits replacement only by the newest airplanes, that is, airplanes shown to comply with Part 36 ("Stage 2" or "Stage 3") noise levels prior to the issuance of an original standard airworthiness certificate. However, current type design modification programs, involving the reengining of certain noncomplying airplanes with high bypass ratio engines to achieve significant noise reductions and improve performance, appear promising enough that several airplane operators have expressed the commitment or interest in using DC-8 airframes reengined with the newest technology engines. There is also a program underway at Boeing to reengine the B-707 with high bypass ratio engines and bring the aircraft into Stage 3 compliance.

To provide an additional option to operators for meeting the noise requirements of Subpart E of Part 91 and to encourage the introduction of more aircraft that have shown compliance with the more stringent noise requirements for "Stage 3 airplanes," the definition of "replacement airplanes" under the rule should be expanded. The change would encourage the use of the new technology engines on certain airframes of Stage 1 airplanes with relatively low flight time, such as Boeing 707 and DC-8 airplanes delivered during the last decade. The newer engine applications would also have the benefits of increased fuel efficiency and reduced engine emissions. To the extent that such applications will be made to existing low flight time airframes of Stage 1 airplanes, the public and the economy would benefit from the efficiencies that result from extending the service life of those airframes.

Discussion of Comments and the Rule

The FAA received eleven comments in response to Notice No. 79-9 from members of the general public, aviation industry, and organizations representing consumer groups, pilots, and flight attendants. Most comments supported both proposals in whole or part, for the

reasons stated in the notice. These comments are discussed as follows:

The Airport Operators Council International supports the rule in its entirety and urges its final adoption at the earliest possible date. The Port Authority of New York and New Jersey fully agrees the FAA should actively monitor compliance with the fleet noise rules and should expand the definition of "replacement aircraft" to include reengined aircraft in recognition of technological developments that enable aircraft to be modified to meet Stage 3 noise requirements.

The Citizens Aviation Policy Association stated that it supports the amendment proposed by the FAA requiring regular progress reports from U.S. airlines on their noise reduction schedules. Those reports, according to the commenter, will help the FAA monitor progress in airline compliance with noise requirements. The comment also suggested that the compliance plans should be publicized so the public can know which airlines are cooperating.

The Town Village Aircraft Safety and Noise Abatement Committee supports the expansion of the term "replacement airplanes," since the result would be a quieter airplane. The commenter opposes the current exclusion in the rule for airlines that operate in foreign commerce because it negates the whole purpose of the FAA's noise abatement program and "short change the airport neighbors by not allowing them to get full benefits of noise abatement they have been waiting over twenty years to come about." The foreign commerce exception in the applicability of the rule was adopted in the original rule in 1976 and no change was proposed by Notice No. 79-9. The purpose of the exception is to permit the international implications of operating noise limits to be considered, and, hopefully, resolve by the appropriate international body, the International Civil Aviation Organization. In adopting the rule, the FAA also announced its intention to subsequently expand the scope of the rule to cover airplanes operated in foreign commerce in the United States, if an appropriate international compliance rule were not developed by 1980. The commenter's concern would be resolved in such separate rulemaking proceedings proposing to apply operating noise limits to airplanes operated in foreign commerce.

An individual commenter opposed the proposed rule because, according to the commenter, it would increase the red tape at a time when government is supposed to be cutting back on red tape. The commenter also stated the proposed

action (requiring airlines to submit reports) would eventually lead to higher airline ticket prices because the airlines will have to hire additional people. The FAA does not agree. Those airlines should already have compliance plans that involve essential current fleet management and management decisions currently needed to begin compliance. The FAA is merely requiring the airlines to format and submit compliance plan information that they should already possess and, as stated in the ATA petition, are prepared to submit.

The Air Transport Association (ATA) submitted extensive comments. It supports the intent of the proposals to permit as "replacement airplanes" those reengined airplanes which meet Stage 3 requirements. Their comments contended, however, that while the rule permits replacement planes shown to comply with Part 36 prior to the issuance of an original standard airworthiness certificate may use tradeoff provisions, a reengined or modified aircraft should not be precluded from using tradeoffs in showing compliance with Stage 3 noise requirements unless it qualifies under § 91.301(c)(3). Although a broad reading of the proposal might suggest that result, that limitation was not intended. The restriction on the use of tradeoffs, as in the original rule, applies only to showing compliance with Stage 2 noise levels not to the subsequently adopted Stage 3 noise levels, which are lower.

Nevertheless, Boeing and CAMMACORP have predicted that the reengined B-707 and DC-8, respectively, will meet the Stage 3 noise levels without the use of tradeoffs. Based on the prediction methods developed and proven over the past decade of turbojet noise certification, the predicted noise level data provided by Boeing and CAMMACORP appear to be accurate and attainable. However, this amendment would not disallow the use of tradeoffs, if necessary, for noise certification to Stage 3 noise levels by these reengined airplanes.

The ATA also commented that the FAA proposed compliance plans were unnecessarily detailed, impractical to accomplish, and unduly burdensome on the operators. The commenter felt that the plan would require detailed data on individual operator fleet planning which is proprietary in nature and should not be divulged to the public or to competitors. The FAA disagrees. The data on each airplane in each operator's fleet is necessary to ensure that all noncomplying airplanes are timely brought into and remain in compliance, generally without the use of tradeoffs and with the full application of existing

acoustical technology. As stated in Notice No. 79-9, compliance plans are needed to avoid potential problems associated with unreasonable delays in operator planning and implementation. Operators have had ample time to develop plans since January 24, 1977, the effective date of Subpart E. Those plans should include the timing of replacing airplanes or ordering and installing an adequate number of SAM treatment kits and quiet nacelles to achieve compliance for the required number of airplanes in each operator's fleet. The public interest in the environmental benefits achievable under the rule outweigh the nominal reporting burdens required to ensure the benefits are achieved.

The ATA suggested a simplified compliance plan format which would provide the number of airplanes by type, model, compliance status (Part 36 or Part 91, Subpart E), and operational status (in operation, retired, replaced, engaged in foreign air commerce, or being operated under an approved replacement plan). That modified plan would provide overall fleet compliance for each of the two fleets in each operator's inventory covered by the rule—one fleet including each four-engine, narrow-body DC-8 and B-707 and the other fleet including each other airplane, such as B-747, DC-10, L-1011, A-300, B-727, B-737, B-111, and DC-9. The FAA concludes that such a simplified overall fleet plan would not satisfy the significant public and regulatory interests in accurately assessing the current or planned compliance status of the individual airplanes within the respective operator fleets.

One purpose of the operating noise limits rule is to achieve noise reduction for each airplane covered by the rule through the full application of existing acoustical technology appropriate to the airplane type. While the phased compliance schedule deals with specified portions of an operator's fleet to provide the operator reasonable latitude in developing the means and specific timing for achieving compliance, the compliance planning and implementation necessarily focus on the individual airplanes. The FAA has reviewed the burdens of the proposed rule to ensure that they are minimized to the fullest extent possible consistent with its responsibility to be adequately informed on the status of compliance with the rule. The FAA has no desire to limit the timely achievement of compliance to some rigid, preconceived plan for each airplane in each operator's fleet. Within the limits of the rule, the

operators develop their own plans. However, specific plans for each airplane must be developed to eventually achieve full compliance. This amendment simply requires that those plans be provided the FAA to demonstrate the operator's compliance decisions and to permit the FAA to fulfill its compliance oversight responsibilities. The FAA recognizes the potential need to modify the plans for various valid reasons and this amendment permits those modifications in the form of revised plans. The operator already plans the purchase, sale, service, repair, maintenance, overhaul, retirement, etc. of individual airplanes and, thus, already has considerable fleet management information that is airplane specific. In light of the purposes of this amendment, it is not unreasonable to apply it to individual airplanes covered individually by the noise limits rule and to permit necessary revision of the plans by submitting the revised plan to the FAA.

The ATA contended that by differentiating between compliance with Part 36 and compliance with Subpart E of Part 91, the proposed regulation appears to be redundant. On the other hand, the ATA in its suggested simplified plan used the distinction in several items requesting information on "number by type and model." Thus, it appears that the distinction, based on the use versus nonuse of the tradeoff provisions in meeting the Stage 2 noise level limits, is clear and understood. In adopting Subpart E in 1970, the FAA decided that the operating noise limits rule would generally require airplanes to meet, without the use of tradeoffs, the ("Stage 2") noise level of Part 36. That decision was based on the need to ensure the maximum noise reduction by requiring the installation of proven technology (quiet nacelles and SAM kits) developed with the expenditure of \$16 million of Federal research and development funds by FAA alone. Thus, the acoustical hardware required to bring a noncomplying JT8D powered airplane into compliance with Subpart E is compatible with the acoustical hardware installed on airplanes produced after December 1, 1973, under the modified type design, as required by Amendment 36-2 (38 FR 29569; October 26, 1973). In addition, the fleet operators should benefit through standardization of acoustical hardware since the majority of nacelles and engines in service and in reserve will have complete kits. This certificated technology is appropriately identified in the "Table of Acoustical Technology/

Strategy Codes" presented in § 91.308(c)(5) of the rule.

The ATA also objected to airplane-specific compliance plans claiming that such detailed data reflecting each airplane's status and planned compliance strategy are proprietary in nature and subject to protection from public disclosure. The FAA notes that much of the required information is already in the public domain in various forms including corporate, industry, and government documents. While some of that information might be of benefit to competitors, operators frequently announce publicly for their own reasons their plans to buy, sell, retire, or replace airplanes. Some operators have announced their reengining programs for their DC-8 airplanes which they plan to keep in their fleets beyond January 1, 1985. Accordingly, the FAA finds no compelling argument for claiming that all the information required for compliance plans or their form should not be adopted because it might benefit competitors or it is proprietary and should not be required to be submitted. However, if an operator required to submit compliance plans believes that certain information contained in a plan is proprietary in nature and includes with the plan a claim for protection against public disclosure in accordance with section 1104 of the Act, the FAA will consider that claim on a case-by-case basis.

As stated in the comments submitted by the association, Subpart E of Part 91 recognizes that an operator has two possible fleets: one fleet including every type of subsonic four-engine no/low bypass ratio turbojet airplane over 75,000 pounds maximum gross weight; and one fleet including every other type of subsonic turbojet airplanes over 75,000 pounds. In order to reduce the reporting burden, and to permit the FAA to more easily compute the percentages of complying and noncomplying airplanes in each fleet of an operator, as adopted Section 91.308(c)(3) requires the operator to submit the total number of airplanes in each fleet. By so doing, it will not be necessary to require any operator to report airplane specific information on airplanes in the fleets but for which no additional compliance strategy is required by Subpart E. For example, airplanes such as the A-300, A-310, B-757, B-767, DC-10, L-1011, or any other newly certificated type of Stage 3 airplane which may be introduced into the U.S. civil fleet prior to January 1, 1985.

With respect to the proposed "Table of Acoustical Technology/Strategy Codes," the association commented that

a code should be added for "certain" B-727-200 airplanes which could meet the Stage 2 noise level limits without the use of tradeoffs solely by having the double wall fan duct treatment installed, (that is, less the quiet nacelles). The FAA disagrees. Section 1 (entitled "Certificate Limitations") of the B-727-100 Airplane Flight Manual clearly states "To comply with FAR Part 36, Appendix C, BG-19/BG-30 acoustical treatment and quiet nacelles must be installed on all engines for landing with 40 degree flaps at weight greater than 100,000 pounds." Paragraph 36.9(b) of Appendix C of FAR Part 36 specifies that the approach configuration that is most critical from a noise standpoint must be used for noise certification. That configuration, for the B-727-200, is the 40 degree flap setting. Therefore, if the suggested change were made, the code would not distinguish between certain B-727-100 and B-727-200 airplanes which require different acoustical treatment under the rule. Such a result would be counterproductive to achieving required noise level reduction. Furthermore, Advisory Circular 36-1B, Certificated Airplane Noise Levels, dated December 5, 1977, lists the various certificated versions of the B-727-200 powered by the JT8D-7, -9, -15, -17, and -17R engines. In all cases, the engine model number is followed by the letters QN indicating the installation of full acoustical technology (quiet nacelles and double wall fan duct treatment). Despite this full application of acoustical technology, the Advisory Circular listing shows that most of the B-727-200 airplanes required the use of tradeoffs to meet the Stage 2 noise levels. Thus, the "Table of Acoustical Technology/Strategy Codes" in this amendment shows a code for most B-727-200 airplanes equipped with quiet nacelles plus double wall fan duct treatment. However, certain B-727-200 airplanes may have been voluntarily brought into compliance with Part 36 prior to January 1, 1977. Many of these airplanes may have only the double wall fan duct treatment installed and require both the maximum use of tradeoffs and reduced operating weights to meet the Stage 2 noise requirements. Tradeoffs are not permitted for showing compliance after January 1, 1977. Section 21.41 states that each type certificate includes the operating limitations, thus most type certificate holders are reluctant to amend the type certificate and instead accept reduced operating capability to use the for less costly acoustical hardware. The FAA strongly encourages those operators to

voluntarily install quiet nacelles on these airplanes and thereby assure standardization of installed acoustical hardware on B-727-200 airplanes and to provide maximum noise reduction to near airport neighbors. For those airplanes which do not have the quiet nacelles installed, this amendment uses Code "C" to the Table for identifying only those specific B-727-200 airplanes for which compliance was shown before January 1, 1977, by installation of the double wall fan duct treatment (without quiet nacelles) and which have an amended type certificate specifying the appropriately reduced maximum operating weights.

The ATA also correctly noted that the proposed Table lacked a code for identifying reengined B-707 and DC-8 airplanes. Accordingly, this amendment provides appropriate codes for these airplanes which will be brought into compliance with Stage 3 noise levels by the installation of high by-pass ratio turbojet engines equipped with quiet nacelles under an appropriately changed, or new, type certificate. The association suggested that a code entry should be provided for DC-8 and B-707 airplanes which have been retired from U.S. domestic service without reengining or replacement since January 24, 1977, the effective date of Subpart E of Part 91. The FAA agrees. The definition of the RET code in this amendment has been clarified and expanded to read: "For DC-8 and B-707 airplanes which were retired from service in the United States without replacement between January 24, 1977, and January 1, 1985." The FAA feels that the greatest contribution an operator can make to aircraft noise reduction is the early retirement of the older, noisier four-engine turbojet airplanes. The FAA is gratified that reengining with high by-pass ratio engines is an option being followed by several operators in meeting the Part 91, Subpart E requirements. However, the FAA may not approve, without compelling justification, any replacement plan which delays the retirement of a large portion of an operator's DC-8 or B-707 fleet until 1983 or 1984. With respect to bringing B-707's into compliance, the FAA is concerned about the evident lack of commitment by any operator to reengine or retrofit any portion of that fleet. This lack of interest in utilizing acoustical technology developed and proven with Federal funds necessarily forces the FAA to carefully analyze retirement plans covering B-707 airplanes. This amendment also adds to the Table a Code "I" for the BAC-111-400 which is used as a business jet in

the United States. The British Aircraft Corporation is currently developing a hushkit for this airplane and the technology can be added to the Table by a minor amendment when the equipment is certificated. Likewise, the Table will be expanded for additional technology that may be developed and certificated.

The ATA commented that the proposed requirements concerning spare shipsets of acoustical components for engines and nacelles were unnecessary for FAA purposes. The FAA disagrees. However, § 91.308(c)(4)(xiii) has been revised and clarified to require each operator to report the number of spare shipsets of acoustical components available on demand for continuous compliance of these airplanes. Once a noncomplying airplane is brought into compliance, it should be maintained in continuous compliance. Thus, this amendment requires each operator to certify the plan, any change in plan, and the status or status change of each airplane in the operator's fleet. Replacement engines and nacelles must be equipped with full acoustical components so that complying airplanes are maintained in full compliance and a reasonable number of spare shipsets of acoustical hardware is necessary to ensure continued compliance.

The ATA contended that it was impractical to plan when a specific airplane would be brought into compliance, retired, or replaced. The FAA disagrees. While the notice mentioned "the scheduled date," the FAA did not intend to require the operator to specify the precise day on which each airplane would be brought into compliance. However, based on the vast experience gained by Part 121 and 135 operators in managing their continuous airworthiness inspection and maintenance programs, it appears that specifying the month and year in which each noncomplying airplane is scheduled to be brought into compliance is not impractical or unduly burdensome. Thus, the amendment requires "the month and year" to be identified in the compliance plan as to when an action will be taken on each airplane. As previously discussed, if a change in the plan or its implementation is necessary, it may be reflected in a revised plan. The Table includes the codes for identifying certificated acoustical technology applied to specific airplane types and models. In order to identify for compliance status and planning purposes other strategies or methods that the operator has used, or contemplates using, in achieving compliance with Part 36 noise limits, the

amendment includes a Code "OTH" which may be used with an addendum to the plan explaining in detail that "other" strategy or method for achieving compliance. Note that in reporting the status of compliance for an airplane using Code "OTH" the addendum should include reference to the type certification data and date under which compliance was shown.

The ATA commented that only two reengining options were being covered with respect to certain series of the DC-8 and B-707 airplane types. Section 91.305(c) of this amendment recognizes these two specific reengining options as replacement airplanes. However, while not proven to exist, the FAA could certificate other design modifications under Part 36 to achieve the same Stage 3 noise levels. All other types of turbojet powered airplanes currently being produced in the United States are already required to meet the Stage 2 or Stage 3 noise level limits of FAR Part 36, as required for the issuance of a standard airworthiness certificate.

The ATA suggested that updates of compliance plans should be required no more frequently than biannually. The FAA disagrees. In light of the significant public, Congressional, and other government interest and the need to monitor compliance status and planning over the next few years, more frequent reports are necessary. However, the FAA has reviewed the proposal in an effort to limit the number of required submissions and to reduce the burden on the Parts 121 and 135 operators. The FAA has decided not to adopt the proposed requirement for submitting a compliance plan six months before each phased compliance date since, when the compliance status of the prescribed percent of the operator's fleet changes, a revised plan must be submitted and, thus, the six months plan is not needed. Section 91.308(b)(2) requires the submittal of a revised plan thirty days after any change in the operator's fleet or compliance planning decisions that has a separate or cumulative effect on 10 percent or more of the airplanes in either class of airplane types covered by § 91.305(b). This is a slight relaxation from the proposed "5 percent" change as the basis for submitting a revised plan. In addition, the proposed requirement solely for Parts 91 and 123 operators to submit an updated plan annually on the anniversary of the date for submitting the original compliance plan is not being adopted, because in the absence of interim compliance dates there is less need for progress reports on compliance status and planning. However, § 91.308(b)(3), as adopted, requires the

submission of compliance plans thirty days after each compliance date and annually thereafter through 1985. This is a significant relaxation from the proposed requirement to submit a compliance plan on an annual basis to report continuous compliance. Notwithstanding the 1985 cutoff date for submitting compliance plans, the FAA will thereafter continue to monitor the fleet status and require continued compliance with Subpart E.

The schedule for submissions under § 91.308(b) will become effective on the date a notice is published in the Federal Register that the requirements of § 91.308 have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective and Compliance Dates

After considering the objectives and effects of this amendment, the FAA concludes that it should be made effective upon publication in the Federal Register. The amendment of § 91.305 expands the class of airplanes which may be "replacement airplanes" under the regulation. Thus, it is a substantive rule that relieves a restriction and may be made effective in less than 30 days after its publication. The amendment of § 91.301 is editorial in nature and the amendment adding a new § 91.308, to require submission of operator compliance plans 90 days after a subsequent notice is published, provides a compliance date which exceeds the required 30 day notice of regulatory requirements. Accordingly, I find that good cause exists for making this amendment to Subpart E of Part 91 effective upon its publication in the Federal Register.

Adoption of Amendment

Accordingly, Subpart E of Part 91 of the Code of Federal Regulations (14 CFR Part 91) is amended, effective December 20, 1979, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. By amending paragraph (a)(1) of § 91.301 to read as follows:

§ 91.301 Applicability; relation to Part 36.

(a) * * *

(1) Sections 91.303, 91.305, 91.307, and 91.308 apply to U.S. registered civil subsonic turbojet airplanes with maximum weights of more than 75,000 pounds and having standard airworthiness certificates. Those sections apply to operations under this part and under Parts 121, 123, and 135 of this chapter, but do not apply to

operations under Part 129 of this chapter.

2. By amending paragraph (a) and the last sentence in paragraph (c) of § 91.305 to read as follows:

§ 91.305 Phased compliance under Parts 121 and 135; subsonic airplanes.

(a) Except as provided under § 91.307, each person operating subsonic airplanes under Parts 121 or 135 of this chapter shall comply with this section with respect to those subsonic airplanes covered by this subpart.

(c) For purposes of this paragraph, replacement airplanes are airplanes which have been shown to comply with Part 36 prior to the issuance of an original standard airworthiness certificate or which have been reengined, or otherwise modified, and shown to comply with Part 36 Stage 3 noise level requirements.

3. By adding a new § 91.308 to read as follows:

§ 91.308 Compliance plans and status.

(a) Each operator of a civil subsonic airplane covered by this subpart shall submit to the FAA, Director of the Office of Environment and Energy, in accordance with this section, the operator's current compliance status and plan for achieving and maintaining compliance with the applicable noise level requirements of this subpart. If appropriate, an operator may substitute for the required plan a notice, certified as true (under penalty of 18 U.S.C. 1001) by that operator, that no change in the plan or status of any airplane affected by the plan has occurred since the date of the plan most recently submitted under this section.

(b) Each compliance plan, including any revised plans, must contain the information specified under paragraph (c) of this section for each airplane covered by this section that is operated by the operator. Unless otherwise approved by the Administrator, compliance plans must provide the required plan and status information as it exists on the date 30 days before the date specified for submission of the plan. Plans must be certified by the operator as true and complete (under penalty of 18 U.S.C. 1001) and be submitted for each airplane covered by this section on or before the following dates—

(1) [Insert date—certain 90 days after a notice of approval of the requirements of § 91.308 by the Office of Management and Budget is published by the FAA in the Federal Register] or 90 days after initially commencing operation of

airplanes covered by this section, whichever is later, and thereafter—

(2) Thirty days after any change in the operator's fleet or compliance planning decisions that has a separate or cumulative effect on 10 percent or more of the airplanes in either class of airplane types covered by § 91.305(b); and

(3) Thirty days after each compliance date applicable to that airplane type under this subpart and annually thereafter through 1985 on the anniversary of that submission date, to show continuous compliance with this subpart.

(c) Each compliance plan submitted under this section must identify the operator and include information regarding the compliance plan and status for each airplane covered by the plan as follows:

(1) Name and address of the airplane operator.
 (2) Name and telephone number of the person designated by the operator to be responsible for the preparation of the compliance plan and its submission.

(3) Total number of airplanes covered by this section in each of the following classes:

(i) Airplane powered by four turbojet engines with no bypass ratio or with a bypass ratio less than two.

(ii) All other airplanes.

(4) For each airplane covered by this section—

- (i) Aircraft type and model;
- (ii) Aircraft registration number;
- (iii) Aircraft manufacturer serial number;
- (iv) Aircraft power plant make and model;
- (v) Aircraft year of manufacture;
- (vi) Whether Part 36 noise level compliance has been shown: Yes/No;
- (vii) Whether Part 91, Subpart E, operating noise limit compliance has been shown: Yes/No;

(viii) The appropriate code prescribed under paragraph (c)(5) of this section which indicates the acoustical technology installed, or to be installed, on the airplane;

(ix) For airplanes on which acoustical technology has been or will be applied, following the appropriate code entry, the actual or scheduled month and year of installation on the airplane;

(x) For DC-8 and B-707 airplanes which have been or will be retired from service in the United States without replacement between January 24, 1977, and January 1, 1985, following the appropriate code prescribed under paragraph (c)(5) of this section followed by the actual or scheduled month and year of retirement of the airplane from service;

(xi) For airplanes covered by an approved replacement plan under § 91.305(c) of this subpart, the appropriate code prescribed under paragraph (c)(5) of this section followed by the scheduled month and year for replacement of the airplane;

(xii) For airplanes designated as "engaged in foreign commerce" in accordance with an approved method of apportionment under § 91.307 of this subpart, the appropriate code prescribed under paragraph (c)(5) of this section;

(xiii) For all airplanes covered by this section, the number of spare shipsets of acoustical components needed for continuous compliance and the number available on demand to the operator in support of those airplanes; and

(xiv) For airplanes for which none of the other codes prescribed under paragraph (c)(5) of this section describes either the technology applied, or to be applied to the airplane in accordance with the certification requirements under Parts 21 and 36 of this chapter, or the compliance strategy or methodology, following the code "OTH" enter the date of any certificate action and attach an addendum to the plan explaining the nature and extent of the certificated technology, strategy, or methodology employed, together with reference to the type certificate documentation.

(5) Table of Acoustical Technology/Strategy Codes

Code	Airplane type/model	Certificated technology
A	B-707-1208 B-707-3208/C B-720B	Quiet nacelles + 1-ring.
B	B-727-100	Double wall fan duct treatment.
C	B-727-200	Double wall fan duct treatment (pre-January 1977 installations and amended type certificate).
D	B-727-200 B-737-100 B-737-200	Quiet nacelles + double wall fan duct treatment.
E	B-747-100 ¹ B-747-200 ¹	Fixed lip inlets + sound absorbing material treatment.
F	DC-8	Nex extended inlet and bullet with treatment + fan duct treatment areas.
G	DC-9	P-36 sound absorbing material treatment kit.
H	BAC-111-200	Silencer kit (BAC acoustic report 522).
I	BAC-111-400	(To be identified later if certificated.)
J	B-707 DC-8	Reengined with high bypass ratio turbojet engines + quiet nacelles (if certificated under stage 3 noise level requirements).

¹ Pre-December 1971.

REP—For airplanes covered by an approved replacement plan under § 91.305(c) of this subpart.

EFC—For airplanes designated as "engaged in foreign commerce" in accordance with

an approved method of apportionment under § 91.307 of this subpart.

RET—For DC-8 and B-707 airplanes retired from service in the United States without replacement between January 24, 1977, and January 1, 1985.

OTH—For airplanes for which no other prescribed code describes either the certificated technology applied, or to be applied to the airplane, or the compliance strategy or methodology. (An addendum must explain the nature and extent of technology, strategy or methodology and reference the type certificate documentation.)

(Secs. 307, 313(a), 601, 603, 604, and 611, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1423, 1424, and 1431); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Executive Order 11514, March 5, 1970; and 14 CFR 11.49.)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policy and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT:"

Issued in Washington, D.C. on December 13, 1979.

Langhorne Bond,
Administrator.

[FR Doc. 79-38797 Filed 12-19-79; 8:45 am]

BILLING CODE 4910-13-M

REGULATIONS
PART
I
RESEARCH AND SPECIAL PROGRAMS
ADMINISTRATION

Thursday
December 20, 1979 .

Part IV

**Department of
Transportation**

**Research and Special Programs
Administration**

**State of Rhode Island Rules and
Regulations Governing the Transportation
of Liquefied Natural Gas and Liquefied
Propane Gas Intended To Be Used by a
Public Utility; Inconsistency Ruling**

DEPARTMENT OF TRANSPORTATION**Research and Special Programs
Administration****State of Rhode Island Rules and
Regulations Governing the
Transportation of Liquefied Natural
Gas and Liquefied Propane Gas
Intended to Be Used by a Public
Utility; Inconsistency Ruling (IR-2)**

APPLICANT: State of Rhode Island,
Division of Public Utilities and Carriers.

STATE LAW AFFECTED: "Rules and
Regulations Governing the
Transportation of Liquefied Natural Gas
and Liquefied Propane Gas Intended to
be Used by a Public Utility" (Rules)
issued by the State of Rhode Island,
Public Utilities Commission, Division of
Public Utilities and Carriers pursuant to
authority in sections 39-1-2.1 and 45-2-
17 of the General Laws of Rhode Island,
as amended (1) and effective November
3, 1978.

APPLICABLE FEDERAL REQUIREMENTS:
Hazardous Materials Transportation
Act (HMTA) §§ 102-107, and 109; (2) 49
CFR Parts 171-173, 177-178.

MODE AFFECTED: Highway.

ISSUE DATE: December 13, 1979.

RULING: The Rhode Island Rules are set
out in the Appendix to this document.
The Rules in sections I, IV, part of VI,
VIII, X, and XI are not inconsistent with
the HMTA or regulations issued to date
thereunder. The Rules in Sections II, III,
V, part of VI, VII, and IX are
inconsistent with the HMTA as
implemented by regulations issued
thereunder.

SUMMARY: This inconsistency ruling is
the opinion of the Materials
Transportation Bureau (MTB)
concerning whether the State of Rhode
Island, Division of Public Utilities and
Carriers' "Rules and Regulations
Governing the Transportation of
Liquefied Natural Gas and Liquefied
Propane Gas Intended to be Used by a
Public Utility," are inconsistent with the
HMTA or regulations issued thereunder
and thus preempted as set forth in
§ 112(a) of the HMTA(3). This ruling was
applied for and is issued pursuant to
procedures at 49 CFR 107.201 to .209.
Procedures for filing an appeal to this
ruling are found at 49 CFR 107.211. Any
person aggrieved by this ruling may
appeal it. Any such appeal must be filed
on or before January 21, 1980.

FOR FURTHER INFORMATION CONTACT: D.
G. Ortez, Office of the Chief Counsel,
Research and Special Programs
Administration, Department of

Transportation, Washington, D.C. 20590
(telephone (202) 755-4972).

I. Background**A. The Application of the State of Rhode
Island, Division of Public Utilities and
Carriers**

The Division of Public Utilities and
Carriers (the Division) is a governmental
entity of the State of Rhode Island with
statewide jurisdiction and authority set
forth at Chapter 39-1 of the General
Laws of Rhode Island, as amended.
Effective November 3, 1978, the Division
issued "Rules and Regulations
Governing the Transportation of
Liquefied Natural Gas and Liquefied
Propane Gas Intended to be Used by a
Public Utility." As noted in the Rules,
"[t]hese regulations are to
include * * * motor carriers in
interstate commerce where the loading
or unloading of tank trailers is required
to be performed within the State of
Rhode Island."

The effect of the Rhode Island Rules is
to require motor vehicles subject to their
provisions, i.e., those transporting
liquefied propane gas (LPG) (4) or
liquefied natural gas (LNG) in bulk
within the State en route to a public
utility either inside or outside the State,
and loaded or to be unloaded within the
State, to comply with specific operating
and equipment requirements. The
operating requirements include the
following: operation only under a
permit, obtained after meeting
application requirements (Appendix,
paragraphs II and III); prohibition on
travel during specified times (Appendix,
paragraph V); accident notification
within specified times (Appendix,
paragraph VI); operation with headlights
on at all times (Appendix, paragraph
VIII); and inspection of vehicles at
loading/unloading sites (Appendix,
paragraph X). The equipment
requirements include the following: two-
way radio (Appendix, paragraph IV);
illuminated rear bumper sign (Appendix,
paragraph VII); and frangible shank-type
lock on trailers (Appendix, paragraph
IX). Transportation of LNG and LPG in
interstate commerce is subject to
regulations issued by the Department of
Transportation (B) and the Division's
Rules are in addition to applicable
Federal requirements (Appendix,
paragraph XI).

Shortly after the Rhode Island Rules
became effective, National Tank Truck
Carriers, Inc., a trade association
comprised of motor carriers of bulk
commodities, filed suit against the
Administrator of the Rhode Island
Division of Public Utilities and Carriers
in the United States District Court for

the District of Rhode Island seeking to
have the Rhode Island Rules enjoined
and vacated. On December 1, 1978,
subsequent to the filing of the lawsuit,
the Division filed an application for an
inconsistency ruling asking the
Department of Transportation for its
opinion as to whether Rhode Island's
"Rules and Regulations Governing the
Transportation of Liquefied Natural Gas
and Liquefied Propane Gas Intended to
be Used by a Public Utility" are
inconsistent with the HMTA or
regulations issued thereunder.

On December 12, 1978, the District
Court preliminarily enjoined those State
regulations that imposed equipment
requirements (Appendix, paragraphs IV,
VII and IX) while indicating that it was
awaiting DOT's administrative ruling.(5)
This issuance of a preliminary
injunction has recently been affirmed on
appeal.(7)

On March 12, 1979, the Department
published notice of the Division's
application in the Federal Register and
invited public comment.(8) In response
to that invitation, comments were
received from seven entities including
the applicant, an agency of another
State, and three industry-wide
associations and two corporations
involved in transportation affected by
the Rhode Island Rules. All the
commenters, except for the Division,
believe the Rhode Island Rules are
inconsistent with, and thus preempted
by, the HMTA or associated regulations.
Most of the commenters stressed the
need for uniform regulations and the
fact that the Rhode Island requirements
are at variance with the Department of
Transportation's. Several commenters
believe that certain of the Rhode Island
requirements either place or could place
a serious burden on commerce. There
also were comments pointing out what
were felt to be specific inconsistencies
between certain Rhode Island
requirements and certain of the
regulations issued under the HMTA.
Where appropriate these will be
discussed below in the consideration of
the individual Rhode Island
requirements.

**B. Department of Transportation
Hazardous Materials Regulations**

The HMTA itself imposes obligations
to act only on the Secretary of
Transportation. It is the regulations
issued under the HMTA that impose
obligations on members of the public.
The substantive regulations issued
under the HMTA are known as the
Hazardous Materials Regulations and are
codified at 49 CFR Parts 170-179. Most
of this body of regulations predates the
HMTA and was previously authorized

by the Explosives and Other Dangerous Articles Act (EODAA).⁽⁹⁾ The HMTA was enacted on January 3, 1975, and the Hazardous Materials Regulations were reissued under its authority, effective January 3, 1977.⁽¹⁰⁾ Subsequent amendments to the Hazardous Materials Regulations have been issued under the authority of the HMTA and with the preemptive effect granted by that Act (under special restrictions in the case of the Federal Motor Carrier Safety Regulations, which will be discussed below).

With regard to highway transportation of hazardous materials, including LNG and LPG, the Hazardous Materials Regulations apply to persons who offer these materials for transportation (shippers), those who transport the offered materials (carriers) and those who manufacture and retest the packagings in which the materials are contained. The scope of transportation activity affected includes the packaging of shipments of hazardous materials, package marking (to show contents) and labeling (to show hazard), vehicle placarding (to show hazard), handling procedures such as loading and unloading requirements, care of vehicle and lading during transportation, and the preparation and use of shipping papers to show the identity, hazard and amount of each hazardous material being shipped.

The preparation requirements for shipment of LPG in cargo tanks are set forth at 49 CFR 173.315. There are currently no specific requirements in the Hazardous Materials Regulations that provide for transportation of LNG.⁽¹¹⁾ Transportation of this material, for shipments subject to the Hazardous Materials Regulations, is permissible only if transportation is performed pursuant to an exemption issued under 49 U.S.C. 1806 and 49 CFR 107.101 to .123. An applicant for an exemption must show that the transportation will be "in a manner so as to achieve a level of safety (1) which is equal to or exceeds that level of safety which would be required in the absence of such exemption, or (2) which would be consistent with the public interest and the policy of [the HMTA] in the event there is no existing level of safety established."⁽¹²⁾ A number of exemptions have been issued that allow bulk highway transportation of LNG and while their terms are not identical, the standard provisions found in them generally concern the following:

1. Compliance with ASME Code, Section VIII.
2. Tank design, design pressure and retest pressure.
3. Filling density and filling practices.

4. Insulation.
5. Safety relief devices and settings.
6. Establishment of holding time.
7. Establishment of one-way travel time (permissible time lapse during transportation).
8. Cargo tank markings.
9. Conditions for transport of empty tanks.
10. Driver instruction and recordkeeping.
11. Incident reporting.

Note that for transportation of LNG under exemption compliance with the Hazardous Materials Regulations is necessary except for those sections specifically indicated as affected in the exemption. Placarding, for example, is still required although not addressed in the text of the document granting the exemption.

C. Preemption Under the HMTA

The HMTA at § 112(a) ⁽¹³⁾ preempts "any requirement, of a State or political subdivision thereof, which is inconsistent with any requirement set forth in [the HMTA] or regulations issued under [the HMTA]." This express preemption provision makes it evident that Congress did not intend the HMTA and its regulations to completely occupy the field of hazardous materials transportation so as to preclude any State action.⁽¹⁴⁾ The HMTA preempts only those State and local requirements that are "inconsistent."

Absent Federal occupation of the field, a State may take certain measures, in the exercise of its police power, to safeguard the health, safety and welfare of its citizens.⁽¹⁵⁾ Section 112(a) of the HMTA provides that such State (or local) action may not be inconsistent with the HMTA or regulations issued thereunder. The legislative history of this provision indicates that Congress intended it "to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation."⁽¹⁶⁾

In 49 CFR Part 107, Subpart C, the MTB has published procedures that implement the preemption language of the HMTA by providing for the issuance of inconsistency rulings.⁽¹⁷⁾ At the time these procedures were issued, the MTB observed that "[t]he determination as to whether a State or local requirement is consistent or inconsistent with the Federal statute or Federal regulations is traditionally judicial in nature."⁽¹⁸⁾ The reasons for providing an administrative forum for such a determination are twofold.⁽¹⁹⁾ An inconsistency ruling provides an alternative to litigation for a determination of the relationship of

Federal and State or local requirements. If a State or political subdivision requirement is found to be inconsistent, such a finding provides the basis for an application for a determination, which can only be made by the Secretary of Transportation or his delegate, as to whether there is to be a waiver of preemption pursuant to § 112(b) of the HMTA.⁽²⁰⁾

Two general caveats are in order with regard to an inconsistency ruling. First, since the proceeding is conducted pursuant to the HMTA, the MTB is limited to considering only the question of statutory preemption. A Federal court may find a State requirement, although not statutorily preempted, nonetheless preempted by the Commerce Clause of the U.S. Constitution if the requirement places an undue burden on interstate commerce. However, the Department may not make such a determination.⁽²¹⁾ Second, under EODAA authority, the applicability of the Hazardous Materials Regulations was statutorily limited to carriers in interstate and foreign commerce and their shippers and did not apply to carriers in wholly intrastate commerce and their shippers. Although the HMTA at § 103(1) ⁽²²⁾ authorizes application of its regulations to intrastate commerce that affects interstate commerce, the MTB has not yet exercised this expanded jurisdiction.⁽²³⁾ Any preemptive effect attributed to the HMTA in an inconsistency ruling is limited to preemption of the State or local requirements being considered as they apply to persons currently subject to the Hazardous Materials Regulations, e.g., motor carriers engaged in interstate commerce.

Given the judicial character of the inconsistency ruling proceeding, the MTB has incorporated case law criteria for determining the existence of conflicts into the preemption procedures at 49 CFR 107.209(c): ⁽²⁴⁾

(1) Whether compliance with both the State . . . requirement and the Act or the regulations issued under the Act is possible; and

(2) The extent to which the State . . . requirement is an obstacle to the accomplishment and execution of the Act and the regulations issued under the Act.

The first criterion is commonly referred to as either the dual compliance test or the direct conflict test and preempts those State or local requirements that are incongruous with Federal requirements; that is, compliance with the State requirement causes the Federal requirement to be violated or vice versa. The second criterion in a sense subsumes the first and preempts those State or local laws that, while not in direct conflict with a

Federal requirement, stand as "an obstacle to the accomplishment and execution of the (HMTA) and the regulations issued under the (HMTA)." In determining whether a State requirement presents such an obstacle, it is necessary to look at the "full purposes and objectives of Congress" in enacting the HMTA (25) and the manner and extent to which those purposes and objectives have been carried out through the MTB's regulatory program.

In enacting the HMTA, Congress recognized that the Department of Transportation's effort in hazardous materials transportation regulation lacked coordination in that it was divided among the various transportation modes, and lacked completeness in that there were gaps in DOT's authority, most notably in the area of manufacturing and preparation of packagings used to transport these materials. (26) In order to "protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce," (27) Congress consolidated and expanded the Department's regulatory and enforcement authority in the area of hazardous materials transportation.

There is a longstanding Federal-State relationship in the field of highway transportation safety that recognizes the legitimacy of State action taken to protect persons and property within the State, even where such action impacts upon interstate commerce. (28) However, certain areas of transportation safety demand a strong, predominant Federal role. In the HMTA's Declaration of Policy and in the Senate Committee language reporting out what became § 112 of the HMTA, (29) Congress indicated a desire for uniform national standards in the field of hazardous materials transportation and with the HMTA gave the Department of Transportation the authority to promulgate those standards. (30) Although the HMTA has not totally precluded State or local action in this area, it is the MTB's opinion that to the extent possible Congress intended to make such State for local action unnecessary. The comprehensiveness of the MTB's Hazardous Materials Regulations severely restricts the historical scope of permissible State or local activity. The nature, necessity and number of hazardous materials shipments make uniform standards extremely important.

Despite the dominant role that Congress contemplated for Departmental standards, there are certain aspects of hazardous materials

transportation that are not amenable to effective nationwide regulation. One example is safety hazards that are peculiar to a local area. To the extent that nationwide regulations do not adequately address a particular local safety hazard, State or local governments can regulate narrowly for the purpose of eliminating or reducing the hazard. (31) Another example is emergency response activity. Although the Federal Government can regulate in order to avert situations where emergency response is necessary, and can aid in local and State planning and preparation, when an accident does occur, response is, of necessity, a local responsibility.

There are also certain areas where the need for national uniformity is so crucial and the scope of Federal regulation is so pervasive that it is difficult to envision any situation where State or local regulation would not present an obstacle to the accomplishment and execution of the HMTA and the Hazardous Materials Regulations. Cargo containment systems is one area where the MTB believes this to be true. The Hazardous Materials Regulations contain extensive requirements for the packagings necessary for the safe transportation of hazardous materials. The MTB has looked at specific commodities and determined what type of container must be used to move them, including, where appropriate, what types of accessories are required, what types of construction tests must be satisfactorily performed, etc. Uniform standards in this area ensure safe, efficient interstate transportation. State and local governments may not issue requirements that differ from or add to Federal ones with regard to packaging design, construction and equipment for hazardous materials shipments subject to Federal regulations. Hazard warning systems are another area where MTB perceives the Federal role to be exclusive. The MTB has thoroughly considered this subject and has issued regulations on marking and labeling of packages and placarding of vehicles in order to communicate the hazards of the materials contained therein. The effectiveness of these systems depends to a large degree on educating the public, especially emergency response personnel. In order to widely disseminate information on its systems, the MTB, among other things, conducts and supports educational programs and distributes informational literature. Additional, different requirements imposed by States or localities detract from the DOT systems and may confuse

those to whom the DOT systems are meant to impart information.

D. The Federal Motor Carrier Safety Regulations

There is one area where the preemptive effect of the HMTA is more limited and that is with regards to the Federal Motor Carrier Safety Regulations contained in 49 CFR Parts 390-397. These regulations establish vehicle, equipment and driver requirements for motor carriers subject to the Interstate Commerce Act. On February 6, 1978, the MTB incorporated the Federal Motor Carrier Safety Regulations (except for 49 CFR 397.3 and 397.9) into the Hazardous Materials Regulations at 49 CFR 177.804. The purpose of this incorporation was to make HMTA civil penalty authority available for violations of these regulations by motor carriers otherwise subject to 49 CFR Part 177. However, at the time of incorporation it was noted that "the Department does not intend * * * to preempt State or local law not preempted by the [Federal Motor Carrier Safety Regulations] before incorporation into Part 177." (32)

An inconsistency ruling represents MTB's opinion of the preemptive effect of the Hazardous Materials Regulations. There is no reason for the MTB not to consider the preemptive effect of 49 CFR 177.804, even though the scope of Federal preemption under that section may be different than under other provisions of the Hazardous Materials Regulations. Title 49 CFR 390.30, part of the incorporation by reference, sets out the standard to be used in considering preemption under the Federal Motor Carrier Safety Regulations:

Except as otherwise specifically indicated, Parts 390-397 of this subchapter are not intended to preclude States or subdivisions thereof from establishing or enforcing State or local laws relating to safety, the compliance with which would not prevent full compliance with these regulations by the person subject thereto.

The standard thus established is essentially identical to the first test used to determine preemption under the HMTA, i.e., the direct conflict test. Unless a different criteria is specifically set forth in the Federal regulation, a State or local requirement in a subject area addressed by the Federal Motor Carrier Safety Regulations, and being considered in an inconsistency ruling as a result of the incorporation of those regulations at 49 CFR 177.804, is preempted if it directly conflicts with a provision of the Federal Motor Carrier Safety Regulations.

II. Ruling

The Rhode Island "Rules and Regulations Governing the Transportation of Liquefied Natural Gas and Liquefied Propane Gas Intended to be Used by a Public Utility" consist of eight substantive requirements, three of which can be characterized as equipment requirements and five of which can be characterized as operating requirements.

In the Declaration of Policy accompanying its Rules, the Rhode Island Division of Public Utilities and Carriers stated that with regard to their authority to regulate the transportation of LNG and LPG within the State, the Division "is charged with the safety and welfare of the citizens of the State of Rhode Island and their property located within its bounds * * *"

The Division has attempted to justify its entire body of Rules on the ground that the danger to the citizens of Rhode Island resulting from this transportation is peculiar to Rhode Island because of the State's high population density. In the Division's comments in response to the Federal Register notice on this matter, its Administrator pointed out that

Rhode Island is the second-most densely populated State in the United States. Its major highways are almost always bounded by areas of high population concentration. These regulations were promulgated because of several instances in which shipments were either stranded and/or involved in accidents in areas, which, by the very nature of the area itself, increased potential hazards.(33)

In the previous inconsistency ruling issued by the MTB, a unique local safety problem, not adequately addressed by the Hazardous Materials Regulations, was found. That ruling involved a New York City Health Code requirement that effectively bans the transportation of many radioactive materials through the City. In finding the City requirement not inconsistent with the HMTA or regulations issued thereunder, the MTB analogized the City provision to a routing requirement and determined that since no routing rule had been issued under the HMTA, the New York City Health Code provision was not preempted.(34) Routing requirements are usually associated with municipal population densities or specific transportation facilities within a State, such as bridges or toll roads. Implicit in the MTB's ruling was the fact that New York City's action was related to its extreme population density, as a result of which "the consequences of a major accident are too extreme to be tolerable, however remote the probability."(35) Also important was the fact that, prior

to the enactment of the Health Code provision, restrictions on bridge use adopted by the New York and New Jersey Port Authority and the Triborough Bridge and Tunnel Authority necessitated that radioactive materials traffic from Long Island be routed through Manhattan. There was no requirement under the HMTA at the time that adequately dealt with the peculiar problems of New York City.(36)

According to the U.S. Department of Commerce, Bureau of Census,(37) the estimated population density in Rhode Island in 1975 was 888 per square mile. The most densely populated state, New Jersey, had an estimated population of 975 per square mile. Even Alaska, however, the least densely populated state with an estimated density per square mile of 1, has cities with population densities exceeding the statewide figures for Rhode Island and New Jersey. Los Angeles, with a land area 44% the size of Rhode Island, has an estimated population density of 5,879 per square mile, 6.6 times the Rhode Island figure. With an area over one-quarter the size of Rhode Island, New York City has a population density 28 times as great and its borough of Manhattan has a population density almost 71 times as great as Rhode Island's.

The statewide population density of Rhode Island does not present a peculiar local safety condition relative to the transportation of LNG and LPG. Requirements that are statewide in effect would not appear to be warrantable on the basis of local peculiarities.(38) When compared with other areas of the country, it is apparent that Rhode Island's population figures are the kind of "normal" condition that the Hazardous Materials Regulations have been designed to deal with.

In order to consider rationales for the Rhode Island Rules other than local peculiarities, each of the Rhode Island requirements must be examined individually to determine if they are in direct conflict with a Federal requirement and if not whether they present an obstacle to the accomplishment and execution of the HMTA and the Hazardous Materials Regulations.

A. Equipment Requirements

The Rhode Island Rules include three equipment requirements: (1) a two-way radio to alert appropriate Federal, State or municipal authorities of any accident or mishap; (2) a sign on the rear bumper stating "MUST STAY BACK 500 FEET" in letters at least three inches high, illuminated for nighttime travel; and (3)

a frangible shank-type lock to prevent tampering with valves or equipment.

1. *Radio communications via two-way radio (Appendix, paragraph IV).* In its comments to the docket, the Division stated that this requirement could be met with a Citizen's Band (CB) radio and that appropriate CB channels are monitored by the Rhode Island State Police truck-squad. One commenter pointed out that some motor carriers have prohibited the installation of CB radios because they have proved a distraction to drivers and that the Federal Highway Administration, Bureau of Motor Carrier Safety is considering the issue. The Federal Highway Administration did hold two public meetings in April 1979, on the question of "the relationship between CBs and highway safety." (39) The meetings were specifically directed towards CB use by commercial motor carriers of passengers for hire. The purpose of the meetings was to aid in determining whether to publish an advance notice of proposed rulemaking; however, nothing further on the matter has been promulgated.

A requirement for a piece of operational safety equipment like a two-way radio is similar in nature to the type of equipment that is required by the Federal Motor Carrier Safety Regulations. The consideration of this issue by the Federal Highway Administration is supportive of this view. There is presently no Federal requirement with regard to radios and even were a final rule to be published in the Federal Motor Carrier Safety Regulations it would only preempt a State or local requirement directly in conflict with it. Absent any such requirement, the Rhode Island Rule set out at paragraph IV of Appendix is not inconsistent with the HMTA or the Hazardous Materials Regulations.

The Federal Communications Commission (FCC) regulates Citizens Band Radio Service at 47 CFR Part 95. In order for a person to operate a CB transmitter, he must have a CB license, either as an individual, or, for the purposes of transmitting business communications, as an employee of a licensed partnership, association or corporation.(40) Emergency transmissions are exempt from certain FCC rules, including the rule pertaining to authorized users.(41) The Rhode Island Rule only requires the vehicle to be equipped with a two-way radio. All operation of such a radio must, of course, conform to FCC requirements.

2. *Illuminated rear bumper sign (Appendix, paragraph VII).* The Division's comments indicated that this requirement was intended to help

prevent rear end collisions. The Federal Register notice on this matter pointed out the Federal Motor Carrier Safety Regulations requirements with regard to rear lighting and several commenters felt that there was a direct conflict between these Federal requirements and Rhode Island's. Title 49 CFR 393.26(e)(3) requires that lamps on the rear of a motor vehicle must display a red color except for specified exceptions. White lamps are allowed by 49 CFR 393.26(e)(5) and (6), but only for back-up lamps or the illumination of license plates. The most logical interpretation of Rhode Island's requirement that the bumper sign "be illuminated for evening travel" is that it be illuminated with a white lamp. Such a requirement is in direct conflict with the Federal requirement in that compliance with Rhode Island's Rule would require violation of the Federal regulation. Although the Federal lighting requirements are only preemptive if a direct conflict occurs, such a conflict is present in this instance. The Rhode Island illumination requirement is thus inconsistent with the Hazardous Materials Regulations at 49 CFR 177.804 which requires compliance with the Federal Motor Carrier Safety Regulations.

As for the Rhode Island bumper sign itself, the Hazardous Materials Regulations specifically address the subject of hazard warning signs. Title 49 CFR Part 172, Subpart F establishes placarding requirements applicable to shippers of hazardous materials and 49 CFR 177.823 requires carriers by motor vehicles to ensure proper placarding. Motor vehicles transporting LNG or LPG in cargo tanks are required to display the distinctive FLAMMABLE GAS placard on all four sides of the vehicle, including the rear.⁽⁴²⁾ The type of sign being required by the State of Rhode Island is not specifically prohibited by the Hazardous Materials Regulations. (The only specific prohibitions on additional markings are those at 49 CFR 172.304(a)(4), 172.502(b) and 172.516(c)(4).) The Rhode Island bumper sign requirement is, however, exactly the type of requirement that is appropriate for the Federal Government to impose on hazardous materials carriers should it be felt that such a requirement is necessary. The MTB has considered the issue of hazard warnings and has settled on the current system.⁽⁴³⁾ State or locally required signs, emblems or markings on vehicle sides, even if they cannot be confused with DOT placards, nonetheless divert attention from the DOT system. As mentioned earlier, they also dilute the

effectiveness of the MTB's nationwide efforts to educate the public.

It is also important to note, with regard to the stated purpose of the Rhode Island Rule, that the MTB has considered the problem of rear end collision in LNG and LPG transportation and has dealt with it by issuing structural requirements. The Department has specific requirements for rear bumper to protect cargo tanks transporting LPG and LNG. The requirement, for currently authorized construction of cargo tanks for LPG service, is contained at 49 CFR 178.337-10(d). For cargo tanks used in LNG service, the requirement is embodied in the plan approval contained in the exemption permitting such transportation.

The requirement set out at paragraph VII of Appendix is inconsistent with the HMTA as implemented by the Hazardous Materials Regulations.

3. *Frangible shank-type lock on trailers (Appendix, paragraph IX).* The comments from the Division stated that the purpose of this requirement is to "prevent unauthorized persons from releasing hazardous contents into the air." The effects on safety of such a requirement are not unalloyed however (for example, a driver could lose a key in an emergency, cold weather might freeze a lock, etc.), and consideration of various possible requirements of this sort is part of the process by which the MTB establishes the overall requirements for the containment systems used to transport hazardous materials. For a cargo tank used to transport LPG, the preparation and maintenance requirements are at 49 CFR 173.33, shipping requirements are at 49 CFR 173.315 and the specification requirements for the only cargo tank currently authorized to be constructed for this transportation, an MC-331, are at 49 CFR 178.337. In the case of transportation of LNG by cargo tank, which is permitted only under specific DOT exemption, the requirements of the containment system are prescribed or referenced in the exemption itself.

The MTB regulates the subject matter of cargo tank containment comprehensively and thus within this subject matter area as preempted the field. Additional requirements for containment systems may not be imposed by State or local governments. The requirement set out at paragraph IX of Appendix is inconsistent with the HMTA as implemented by the Hazardous Materials Regulations.

B. Operational Requirements

The Rhode Island Rules include five operating requirements: (1) operation

only under a permit; (2) prohibiting of rush hour travel; (3) accident notification; (4) operation with headlights on at all times; and (5) vehicle inspection before and after loading and unloading.

1. *Applying for and obtaining a permit (Appendix, paragraphs II and III).* There is ambiguity in the Rhode Island Rules that require a permit prior to operation and this ambiguity was not cured by the comments made to the docket.⁽⁴⁴⁾ For the purposes of this inconsistency ruling, the MTB interprets the Rules to require a separate permit application and permit prior to each individual transportation movement.

The Rules require that a permit be applied for not less than four hours and not more than two weeks prior to each transportation and that a copy of the permit be carried by the vehicle operator during the transportation (paragraph III). Additionally, paragraph III requires that the permit application include the following information:

1. Name and mailing address of the carrier.
2. A detailed description of the route/routes to be followed by the carrier.
3. Description of commodity to be transported, type of label required and quantity.
4. Date and time the transportation service will be provided.
5. Origin and destination of shipment.
6. Vehicle identification number.
7. Vehicle registration.
8. Proof of vehicle inspection.
9. Proof of proper insurance coverage.
10. A certification from the shipper certifying that the load is in compliance with the applicable motor carrier safety regulations of the Federal Department of Transportation.
11. A certification from the carrier certifying that the load is in compliance with the applicable motor carrier safety regulations of the Federal Department of Transportation.

The Division contended in its comments that these application requirements make it possible to advise carriers of hazardous road conditions; ensure route compliance with 49 CFR 397.9(a); and aid in emergency response actions as a result of the commodity description. Most of the other commenters to the docket spoke of these requirements in terms of the burden they placed on commerce, the need for national uniformity and the redundancy and conflict of certain of the application requirements when compared with Federal requirements.

A permit may serve several legitimate State police power purposes, and the bare requirement in paragraph II that a permit be applied for and obtained is not inconsistent with Federal requirements. However, a permit itself is inextricably tied to what is required in

order to get it. Therefore, the permit requirement in paragraph II must be considered together with the application requirements in paragraph III.

The document that is required by the two Rhode Island Rules is similar in some respects to the shipping paper required by the Hazardous Materials Regulations. However, the DOT required shipping paper is generated by the shipper and supplied to the carrier and its preparation and issuance is not dependent on processing by the Department of Transportation. Rhode Island's permit must be obtained from the State prior to each movement and must be applied for at least four hours and no more than two weeks prior to the transportation and a copy of the permit must be carried aboard the transport vehicle.

These three parts of the Rhode Island permit process, which must be repeated for each individual movement, involve a high probability of causing delay in transportation. Furthermore, certain of the information required to be on the permit application such as the certification by the shipper (paragraph III.10.) and carrier (paragraph III.11.) and perhaps the quantity of product (paragraph III.3.) cannot be provided until after loading of the cargo tank is completed. If loading is conducted within Rhode Island, the permit process on its face results in at least a four hour delay after loading before transportation can begin. If loading takes place outside of Rhode Island, but less than four hours distant, delay is inherent if the shipment is heading for Rhode Island. Delay may also result from the manner in which applications are processed and, for transport originating in Rhode Island, in order for a copy of the permit to be placed in the hands of the motor vehicle operator. The MTB has been provided with no information on how the permit requirements have been applied.

The manifest purpose of the HMTA and the Hazardous Materials Regulations is safety in the transportation of hazardous materials. Delay in such transportation is incongruous with safe transportation. Given that the materials are hazardous and that their transport is not risk-free, it is an important safety aspect of the transportation that the time between loading and unloading be minimized. This concept is articulated in the Hazardous Materials Regulations by the following direction to highway carriers at 49 CFR 177.853:

(a) *No unnecessary delay in movement of shipments.* All shipments of hazardous materials shall be transported without unnecessary delay, from and including the

time of commencement of the loading of the cargo until its final discharge at destination.

Much of the information required for the Rhode Island permit could be obtained in such a way that delay in transportation would not be incurred. For example, the State could require carriers to establish insurance coverage on an annual basis and require shippers or carriers to supply, in some kind of cumulative manner, either before or after a significant number of shipment, certain information related to number of trips and routes taken within the State.

The Rhode Island Rules at paragraphs II and III cause delay in the transportation of LPG and LNG that the MTB finds to be unnecessary. These requirements are therefore inconsistent with the HMTA, and the Hazardous Materials Regulations at 49 CFR 177.853.

Even were Rhode Island to establish a permit requirement that did not result in unnecessary transportation delays, the State may not impose requirements that are otherwise inconsistent with the Hazardous Materials Regulations. To the extent that Rhode Island would require the same information as appears on the DOT required shipping paper but in a different form, the Rhode Island rule is redundant. Redundancy does not further transportation safety and represents the type of multiplicity that the HMTA intended to make unnecessary. In order to avoid such situations, the Department of Transportation has consistently and continually encouraged the States to adopt the Hazardous Materials Regulations and the Federal Motor Carrier Safety Regulations so that, within their borders, they may in essence enforce the Federal requirements. No matter what the form, any State or local requirement that asks for an additional piece of paper that supplies the same information as is required to be on the DOT shipping paper would be inconsistent with the requirements contained in the Hazardous Materials Regulations.

3. *Prohibition on travel during certain hours (Appendix, paragraph V).* The Division's comments state that the basis of the travel ban between 7-9 a.m. and 4-6 p.m. Monday through Friday is that "[i]t has been proven safer to travel during non-peak rush-hour time periods." Several other commenters indicated that such a requirement encourages violations of the speed limit and will cause vehicles to wait in other States. One commenter stated that during testimony in the federal court case in this matter, it was indicated that it was not permissible under this requirement for a carrier to merely

interrupt transit within the State during rush hours, but that transit within Rhode Island must be begun and completed outside of the prohibited travel times. This comment, which was sent to the Division as required by DOT procedures, was not contradicted. Rhode Island appears to have placed the entire State off-limits for four hours a day, five days a week. Were every State to adopt a similar requirement, no transportation of LNG or LPG could take place on week-days that involved more than 13 hours of travel (departure after 6 p.m. and arrival prior to 7 a.m.).

Even if the Rhode Island rule is applied in such a way that it only requires that carriers of LPG and LNG park during rush hours, for four hours a day during weekdays such transportation cannot take place within the State. In such a case trucks operating within the State will be required to stop during rush hours, and trucks from adjoining States will not be permitted to enter Rhode Island during those hours. On the other hand, if the Rhode Island rule has been implemented so as to effectively prohibit any trucks in transportation from being present within the State during rush hours, it will require trucks to wait at the borders in adjoining States if they arrive at the border at such a time that they cannot complete their transportation within Rhode Island prior to the beginning of a period of prohibited transportation. In either case, the Rhode Island Rule would result in significant delays in transportation. One aspect of these delays likely involves trucks waiting in Massachusetts or Connecticut to enter Rhode Island. The Rhode Island Rule quite probably requires some motor vehicles to remain in Rhode Island's neighboring States longer than they would were such a Rule not in effect. In its attempt to protect its own citizens, Rhode Island is increasing the risks incident to such transportation to be incurred by the citizens of Massachusetts and Connecticut.

The Division has not justified a statewide ban on LNG and LPG transportation during certain hours. The delay that results from the Rhode Island Rule is unnecessary and the Rhode Island Rule at paragraph V is inconsistent with the HMTA, and the Hazardous Materials Regulations at 49 CFR 177.853.

4. *Notice of accidents (Appendix, paragraph VI).* Rhode Island requires that in the case of any accident, mishap or any safety irregularity, the State Police must be immediately notified and two specified State agencies must

receive a written report within 24 hours of the incident.

The MTB's notification requirements applicable to highway carriage of hazardous materials are found at 49 CFR 171.15 (immediate notice), 171.16 (detailed written report within 15 days) and 177.807 (reporting requirements applicable to highway carriers). There are also accident reporting requirements applicable to motor carriers generally in 49 CFR Part 394.(45) The notification required by these sections, however, is notification to DOT—notification of State or local authorities is not a requirement of the Federal regulations.

Although the Rhode Island Rules do not clarify what is meant by "accident, mishap or any safety irregularities," a requirement for immediate notification in certain situations furthers the State's activity in protecting persons and property through emergency response measures. This has been mentioned previously in the discussion of the State's two-way radio requirement.

Such an emergency response function is not served by the written notice required to be given within 24 hours to the two State agencies. The written notice required to be supplied to MTB pursuant to 49 CFR 171.16 precludes the States from requiring additional written notice directed to hazardous materials carriers. It is common for States to require any motor vehicles involved in accidents within their borders to file certain accident reports and such a requirement can clearly be applied to a motor vehicle transporting hazardous materials. In light of the Federal written notice requirement, however, it is inappropriate for a State to impose an additional written notice requirement to apply solely to carriers already subject to the Hazardous Materials Regulations.(46) The detailed hazardous materials incident reports filed with MTB are available to the public.

The portion of the requirement set forth at paragraph VI of Appendix, requiring immediate notification to the Rhode Island State Police is not inconsistent with the HMTA or regulations issued thereunder; however, the portion of the requirement necessitating written notice to the Motor Carrier Examiner and the Rhode Island Department of Transportation is inconsistent with the HMTA as implemented by the Hazardous Materials Regulations.

5. *Headlights on at all times (Appendix, paragraph VIII).* The Division requires vehicles subject to its Rules, whether en route to or returning from a delivery, to travel with headlights on at all times. This requirement is a driving requirement of the type covered

by the Federal Motor Carrier Safety Regulations at 49 CFR Part 392 and Part 397. Neither of these Parts contain a requirement that conflicts with the Rhode Island requirement. Absent such a direct conflict, general operating and equipment requirements of the type covered by the Federal Motor Carrier Safety Regulations, as incorporated into the Hazardous Materials Regulations, are not precluded. The requirement set forth at paragraph VIII of the Appendix is not inconsistent with the HMTA or the Hazardous Materials Regulations.

6. *Vehicle inspection (Appendix, paragraph X).* The Hazardous Materials Regulations provide detailed inspection requirements for cargo tanks (49 CFR 177.824) and specific loading and unloading requirements (for LNG and LPG, at 49 CFR 177.834(d) and (g)). However, these requirements are different than the walk-around type of inspection required by Rhode Island. The Rhode Island inspection requirement, like its headlight requirement, is the type of requirement concerning vehicle operations covered by the Federal Motor Carrier Safety Regulations. Title 49 CFR 392.7, 392.8 and 49 CFR Part 396 establish the federal inspection requirements that are similar to the Rhode Island requirement. The Rhode Island requirement is not in direct conflict with these requirements in that it is possible to comply with the State requirement without violating the Federal ones. Paragraph X is not inconsistent with the Hazardous Materials Regulations or the HMTA.

III. Conclusion

As discussed in the Ruling, certain provisions of Rhode Island's "Rules and Regulations Governing the Transportation of Liquefied Natural Gas and Liquefied Propane Gas Intended to be Used by a Public Utility" are inconsistent with the HMTA and the Hazardous Materials Regulations and are thus preempted. Specifically, it is the MTB's determination that the following sections of the Rhode Island rules are preempted: II (Permit required); III (Application for permit); V (Hours of travel); VI (Notice of accidents), to the extent it requires written notification; VII (Bumper sign); IX (Frangible shank-type lock). The remaining provisions of the Rhode Island rules are not inconsistent with the HMTA and the Hazardous Materials Regulations. All these provisions have been discussed previously with the exception of section I (Definitions) and XI (Other regulatory control). These latter two provisions impose no substantive requirements and along with Sections IV (Radio communication); VI (Notice of accident),

to the extent that it requires immediate notification to the Rhode Island State Police; VIII (Headlights on at all times); and X (Vehicle inspection at loading/unloading areas) are not preempted.

With regard to the requirements that have been found preempted, the applicant has several possible administrative courses of action. On or before January 21, 1980, the applicant, or any other person aggrieved by this ruling, may file an appeal with the Director, MTB pursuant to 49 CFR 107.211. The applicant may seek a non-preemption determination from MTB under the procedures at 49 CFR 107.215-.225. Finally, the applicant may petition the Director, MTB for rulemaking pursuant to 49 CFR 106.31.

(49 U.S.C. 1811(a), 49 CFR 107.209)

Issued in Washington, D.C. on December 13, 1979.

Robert L. Paullin,

Associate Director for Operations and Enforcement, Materials Transportation Bureau.

References

1. These sections are cited as authority in the Declaration of Policy accompanying the Rhode Island Rules. However, section 39-1-2.1 is entitled "Presumption of intrastate commerce upon use storage of liquefied natural gas within the state" and section 45-2-17 is entitled "Regulation of liquefied natural gas facilities." Neither section refers to liquefied propane gas or liquefied petroleum gas. In fact, section 390-1-2 specifically defines liquefied natural gas as "a fluid in the liquid state composed predominantly of methane and which may contain minor quantities of ethane, propane, nitrogen or other components normally found in natural gas." Given this, it is unclear by what authority the Division of Public Utilities and Carriers has exerted jurisdiction over the interstate transportation of liquefied propane gas. However, the fact that jurisdiction has been asserted is sufficient for the present purpose.

2. These sections are codified at 49 U.S.C. 1801-1806 and 1808. Excluding conforming amendments, not pertinent here, the entire HMTA is codified at 49 U.S.C. 1801-1812.

3. 49 U.S.C. 1811(a).

4. The initials "LPG" are usually used to refer to liquefied petroleum gas, which is a generic term used to refer to a compressed gas that consists primarily of flammable hydrocarbons, usually propane and/or butane. The Rhode Island Rules apply to liquefied propane gas, but apparently not to other liquefied petroleum gases, most notably butane. For the purposes of this document, "LPG" will refer only to liquefied propane gas. The reference to propane appears to be an error in the promulgation of the Rules since in the definitions contained in the Rules, liquefied petroleum gas is defined (and referred to in the definition as "LPG"), but liquefied propane gas is not.

5. Title 49 CFR 171.2 sets forth the general applicability provision of the Hazardous

Materials Regulations. The term "hazardous materials" is defined at 49 CFR 171.8. Liquefied petroleum gas, which includes propane, has been designated a hazardous material in accordance with 49 CFR 172.100(a) and the Hazardous Materials Table at 49 CFR 172.101. LNG is defined as a hazardous material, specifically a flammable compressed gas, in accordance with 49 CFR 172.100(c), 173.1, 173.300(a), and 173.300(b). Since it is not listed by correct technical name in the Hazardous Materials Table and since there are no packaging requirements specified for Compressed gas, n.o.s., flammable gas, applicable to natural gas in the liquefied form, LNG can be transported only under an exemption, discussed in the text *infra*.

6. National Tank Truck Carriers, Inc. v. Burke, C.A. No. 78-0621 (D.R.I., Dec. 12, 1978) (order granting preliminary injunction).

7. National Tank Truck Carriers, Inc. v. Burke, No. 79-1057 (1st Cir. Oct. 12, 1979).

8. 44 FR 13617.

9. 18 U.S.C. 831-835 (repealed by Pub. L. 96-129, enacted Nov. 30, 1979).

10. 41 FR 38175 (Sept. 9, 1976).

11. The MTB has published a notice of proposed rulemaking to amend the Hazardous Materials Regulations by establishing requirements for the transportation of certain cryogenic liquids, including LNG. 44 FR 12826 (March 8, 1979); 44 FR 20461 (April 5, 1979). The term cryogenic liquids refers to gases which are liquefied at extremely low temperatures. The key provisions of the proposal would (1) provide a DOT design specification for cargo tanks used to carry cryogenic liquids; (2) establish inspection and maintenance requirements; and (3) for flammable cryogenics, such as LNG, (a) expand the scope of the regulations to include intrastate commerce, (b) require DOT registration of shippers and carriers and (c) require the training of drivers.

12. 49 U.S.C. 1806(a). This section of the HMTA has been implemented with procedures at 49 CFR Part 107, Subpart B.

13. 49 U.S.C. 1811(a).

14. Despite the explicit language of the HMTA, at least one court has found that the HMTA has preempted the field. Consolidated Rail Corp. v. Hancock, C.A. No. 79-0983 (D. Mass., May 24, 1979). The MTB disagrees with this finding since "[w]e start with the assumption that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress." Ray v. Atlantic Richfield Co., 435 U.S. 151, 157 (1978), quoting Rice v. Santa Fe Elevator Corp., 331 U.S. 218, 230 (1974).

15. "Police power" is that authority that resides in every sovereign to pass all laws for the internal regulation and government of the State.

16. S. REP. No. 1192, 93d Cong., 2d Sess. 37 (1974). The Senate provision on preemption was adopted by the Committee of Conference. S. REP. No. 1347, 93d Cong., 2d Sess. 24-25, reprinted in [1974] U.S. CODE CONG. & AD. NEWS 7683, 7688-89; H.R. REP. No. 1589, 93d Cong., 2d Sess. 24-25 (1974).

17. "Inconsistency ruling" is a generic term to describe the administrative ruling issued

by MTB pursuant to 49 CFR 107.203 to .211. In fact an inconsistency ruling can contain a finding that a State or local requirement is *not* inconsistent.

18. 41 FR 38167 (Sept. 9, 1976).

19. The fact that such an administrative forum exists does not preclude a judicial one for determining preemption under the HMTA. A court with jurisdiction can unquestionably make such determinations and the procedural regulations anticipate that they may do so, notwithstanding the MTB procedures. See 49 CFR 107.215(b)(4).

20. 49 U.S.C. 1811(b). This provision has been implemented at 49 CFR 107.215 to .225.

21. There may, however, be considerations regarding the movement of hazardous materials in commerce incorporated in the purposes and objectives of Congress in enacting the HMTA. The constitutional issue of whether or not a State or local requirement unreasonably burdens commerce has been made part of the HMTA as one of the findings to be made in a non-preemption determination under 49 U.S.C. 1811(b).

22. 49 U.S.C. 1802(1).

23. 41 FR 38175 (September 9, 1976). Since that statement was made, several rulemakings have been initiated which would use the expanded HMTA authority and give the Department jurisdiction over the transportation of certain commodities by carriers engaged in intrastate, as well as interstate, commerce. None of these rulemakings has been completed to date. One involves LNG transportation, 44 Fed. Reg. 12826 (March 8, 1979). Should a final rule be issued that applies to intrastate transportation, the preemptive scope of the Department's regulations would be expanded.

24. E.g., Ray v. Atlantic Richfield Co., 435 U.S. 151, 158 (1978); Jones v. Rath Packing Co., 430 U.S. 510, 528, 540-541 (1977).

25. See, e.g., Ray v. Atlantic Richfield Co., 435 U.S. 151, 158 (1978); Hines v. Davidowitz, 312 U.S. 52, 67 (1941).

26. S. REP. No. 1192, 93d Cong., 2d Sess. 1-2, 7-9 (1974).

27. 49 U.S.C. 1802.

28. See Raymond Motor Transportation, Inc. v. Rice, 434 U.S. 429, 443-44 (1978); Bibb v. Navajo Freight Lines, 359 U.S. 520, 523 (1959).

29. The Declaration of Policy is at 49 U.S.C. 1601. The Senate language is at S. REP. No. 1192, 93d Cong., 2d Sess. 37-38 (1974).

30. See the discussion of Congress' purpose and objectives with regard to the HMTA in Kappelman v. Delta Air Lines, Inc., 539 F. 2d 165, 169-170 (D.C. Cir. 1976).

31. The concept of local safety hazard is expressly stated at 45 U.S.C. 434, one of the provisions of the Federal Railroad Safety Act of 1970:

§ 434. National uniformity of laws, rules, regulations, orders, and standards relating to railroad safety; State regulation.

The Congress declares that laws, rules, regulations, orders, and standards relating to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force any law, rule, regulation, order, or standard relating to railroad safety until such time as the Secretary has adopted

a rule, regulation, order, or standard covering the subject matter of such State requirement. A State may adopt or continue in force an additional or more stringent law, rule, regulation, order, or standard relating to railroad safety when necessary to eliminate or reduce an essentially local safety hazard, and when not incompatible with any Federal law, rule, regulation, order, or standard, and when not creating an undue burden on interstate commerce.

This section is discussed in National Ass'n of Regulatory Util. Comm'rs v. Coleman, 542 F. 2d 11, 13-15 (3d Cir. 1976) and Donelon v. New Orleans Terminal Co., 474 F. 2d 1103, 1112-13 (5th Cir. 1973).

The HMTA does not refer explicitly to local safety hazards, however, both the HMTA and the Railroad Safety Act seek to promote transportation safety and in enacting both statutes, Congress recognized the need for national uniformity of regulation. See Kappelman, *supra* note 30; Consolidated Rail Corp. v. Dover, 450 F. Supp. 968, 974 (D. Del. 1978). Despite the different preemption standards in the two statutes, Atchison, T. & S.F. Ry. v. Illinois Commerce Comm'n., 453 F. Supp. 920, 923-25 (N.D. Ill. 1977), the MTB believes the local safety hazard concept is valid when considering the scope of permissible State or local action under the HMTA.

32. 43 FR 4858.

33. Comments by Edward F. Burke, Administrator, Rhode Island Division of Public Utilities and Carriers, to Inconsistency Ruling Docket at 1 (April 19, 1979). All future references in the text to the Division's comments are references to this document.

34. 43 FR 16954 (April 20, 1978).

35. *Id.* at 16957.

36. Although the New York City Health Code provision was found not inconsistent, the "ban" raised several concerns with MTB. *Id.* at 16957-58. As a result, an advance notice of proposed rulemaking on highway routing of radioactive materials was issued. 43 Fed. Reg. 36492 (August 17, 1978).

37. U.S. DEPT OF COMMERCE, BUREAU OF THE CENSUS, COUNTY AND CITY DATA BOOK (1977). The population and area figures cited for the cities and States in the text are at the following pages: 600, 612, 708, 720, and 744.

38. See NARUC v. Coleman, *supra* note 31 at 14-15.

39. 44 FR 12793 (March 8, 1979).

40. 47 CFR Part 95.401, CB Rules 3 and 26.

41. 47 CFR Part 95.401, CB Rule 25.

42. 49 CFR 173.300(a), 173.300(b), 172.500, 172.504, 172.514, 172.519 and 172.532.

43. The Rhode Island Rule requires that the sign stating "MUST STAY BACK 500 FEET" must be in letters at least three inches high. Therefore, compliance could be achieved with three inch letters. In A STUDY OF HAZARDOUS MATERIALS INFORMATION NEEDS IDENTIFICATION SYSTEMS FOR TRANSPORTATION PURPOSES (Report No. TSA-20-72-4, available from the National Technical Information Service, Springfield, Va. 22151) prepared for the Department of Transportation by the Design and Development Center, Northwestern University in April, 1972, it was noted at page 74 that for viewing distances of 500 feet, the

minimum size of lettering is ten inches. What this means is that in order to read a sign with three inch letters, a person with normal eyesight must be considerably closer than 500 feet.

44. The language in the Rhode Island Rule whose meaning is unclear is the following: "The application for a permit may be submitted for a period of use of up to two weeks duration prior to utilization of said permit."

45. The general requirements in 49 CFR Part 394 also refer to the additional reporting requirements applicable to hazardous materials carriers. 49 CFR 394.1(d).

46. See the discussion of State accident reporting requirements in light of the Federal Railroad Safety Act in *NARUC v. Coleman*, *supra* note 31.

Appendix.—State of Rhode Island Public Utilities Commission; Division of Public Utilities and Carriers

Rules and Regulations Governing the Transportation of Liquefied Natural Gas and Liquefied Propane Gas Intended To Be Used by a Public Utility

These Regulations Are to Include Motor Carriers Operating in Intrastate Commerce as Well as Motor Carriers in Interstate Commerce Where the Loading or Unloading of Tank Trailers is Required To Be Performed Within the State of Rhode Island.
Effective: November 3, 1978.

Declaration of Policy

It is hereby declared to be the policy of the state to regulate the transportation of hazardous materials, as herein defined, within the boundaries and/or over the highways and roads of this state. The Division of Public Utilities and Carriers is authorized to regulate the transportation of Liquefied Natural Gas and Liquefied Propane Gas intended for use by a public utility over the highways and roads of this state and anywhere within its boundaries in accordance with the provisions of Sections 39-1-2.1 and 45-2-17 of the General Laws of Rhode Island, as amended. Further, said Division is charged with the safety and welfare of the citizens of the State of Rhode Island and their property located within its bounds under these sections.

Therefore, these rules and regulations are hereby promulgated by said Division pursuant to the authority cited herein.

Definitions: Terms used herein shall be construed as follows unless another meaning is expressed or is clearly apparent from the language or content.

Administrator: Means the Administrator of the Division of Public Utilities and Carriers.

Application: Any written request to the Division of Public Utilities and Carriers for a permit.

Carrier: See "Motor Carrier".

Confirmation of Permit: A Permit shall be deemed valid when the operator of the vehicle, upon request, can produce the permit, or an authorized telegram, telex or twx sent by the Division of Public Utilities and Carriers of the State of Rhode Island.

Federal Dept. of Transportation Special Safety Permit: A permit issued for [sic] the Federal Department of Transportation for the use of a specific container to be used

for the transportation of Liquefied Natural Gas.

Liquefied Natural Gas: A fluid in the liquid state composed predominantly of methane and which may contain minor quantities of ethane, propane, nitrogen, or other components normally found in natural gas.

Liquefied Petroleum Gas (LP-Gas or LPG): Any material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, Propylene, Butane (normal butane or isobutane) and Butylenes.

Motor Carriers: A common carrier by motor vehicle, a contract carrier by motor vehicle, a private carrier by motor vehicle or an interstate carrier by motor vehicle.

Permit: A written document allowing the use of certain specified Rhode Island Highways for the transportation of hazardous material issued by the Administrator to a permittee.

Permittee: Any person who has applied for and has been issued a permit to transport hazardous material over certain Rhode Island Highways.

Person: Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of the foregoing.

II. Permit Required

All motor carriers transporting Liquefied Natural Gas or Liquefied Propane Gas intended to be used by a public utility must have applied for and have received a Rhode Island Permit prior to transporting either Liquefied Natural Gas or Liquefied Propane Gas upon and along any highway, street or road within the State of Rhode Island.

III. Application for Permit

Any motor carrier transporting the commodities herein defined will file with the Motor Carrier Examiner, Division of Public Utilities and Carriers, an application at least 4 hours prior to the commencement of the transportation service over said Rhode Island Highways. The application for a permit may be submitted for a period of use of up to two weeks duration prior to utilization of said permit.

The application will include the following:

1. Name and mailing address of the carrier.
2. A detailed description of the route/routes to be followed by the carrier.
3. Description of commodity to be transported, type of label required and quantity.
4. Date and time the transportation service will be provided.
5. Origin and destination of shipment.
6. Vehicle identification number.
7. Vehicle registration.
8. Proof of vehicle inspection.
9. Proof of proper insurance coverage.
10. A certification from the shipper certifying that the load is in compliance with the applicable motor carrier safety regulations of the Federal Department of Transportation.

11. A certification from the carrier certifying that the load is in compliance with the applicable motor carrier safety regulations of the Federal Department of Transportation.

The permit, a confirmation of such permit, or a copy of the permit shall be retained in the possession of the operator of the vehicle at all times while transporting the herein defined commodities over Rhode Island Highways.

IV. Radio Communications

Any motor carrier, as herein defined, transporting commodities, as herein defined, over the highways of this state will be equipped with a two-way radio within easy reach of the driver. This radio will be utilized to alert the appropriate federal, state or municipal agencies of any accident or mishap occurring within the State of Rhode Island.

V. Hours of Travel

No transportation of Liquefied Natural Gas and Liquefied Propane Gas, as herein defined, will be transported [sic] over any highway, street or road of this state during the hours of 7-9 a.m. and 4-6 p.m., Monday through Friday.

VI. Notice of Accidents

Any motor carrier transporting the commodities herein defined must immediately notify the Rhode Island State Police, and must file in writing with the Motor Carrier Examiner, Division of Public Utilities and Carriers, and the Rhode Island Department of Transportation, notice of any accident, mishap, or any safety irregularities, within twenty-four (24) hours of same.

VII.

All vehicles will be equipped with a sign on the rear bumper with the following notation: "MUST STAY BACK 500 FEET"

All letters must be at least three (3) inches high and be illuminated for evening travel.

VIII.

All vehicles used for the transportation of Liquefied Natural Gas or Liquefied Propane Gas are required to travel with headlights on at all times while within the State of Rhode Island, whether said vehicle is delivering to a public utility or returning to its out-of state terminal, having made a delivery.

IX.

All trailers shall be equipped with a frangible shank type lock to prevent tampering of valves or equipment.

X.

Prior to leaving and upon arrival at loading/unloading areas, drivers along with proper personnel, will inspect their vehicle and trailers for defects in safety equipment and for liquid and gas leaks. Any repairs necessary shall be made as required before leaving for travel over the highways.

XI. Other Regulatory Control

These regulations shall be considered as being in addition to any Federal regulations governing the transportation of hazardous materials.

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****44 CFR Part 206**

[Docket No. FEMA-DR-206]

**Temporary Housing Pre-Termination
Procedure****AGENCY:** Federal Emergency
Management Agency.**ACTION:** Final Rule.

SUMMARY: This rule prescribes a pre-termination hearing procedure to be followed by the Office of Disaster Response and Recovery, Federal Emergency Management Agency, with respect to termination of assistance for, or eviction from, temporary housing provided under the Disaster Relief Act of 1974. It is identical to procedures established by the Department of Housing and Urban Development (HUD) to deal with these matters when the Disaster Relief Temporary Housing Program was administered by HUD.

EFFECTIVE DATE: This rule is effective on December 20, 1979.

ADDRESS: Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472, Telephone: (202) 634-4113.

SUPPLEMENTARY INFORMATION: An identical procedure to that established by this rule was used during the time that the Disaster Relief Program was being administered by HUD, including the period of administration of the Temporary Housing Program by the HUD Assistant Secretary for Housing under a delegation from the Federal Disaster Assistance Administration. The prior regulation is set out at 24 CFR Part 470. However, as the regulation was issued by the Secretary, HUD, and was not an FDAA regulation, it was not transferred to FEMA at the time the FDAA Disaster Relief Act regulations were transferred. This regulation uses the same procedure as is contained in Part 470 except that FEMA is substituted for HUD. The procedure has been used since August 1975. For this reason, it is determined that notice and public procedure is unnecessary. Furthermore, since this is a procedural rule it should be immediately effective.

Accordingly, Subchapter D of Chapter 1 of Title 44 is amended by adding a new Part 206 as follows:

**PART 206—TEMPORARY HOUSING
PRE-TERMINATION PROCEDURE**

- Sec.
206.1 Purpose.
206.2 Termination of benefits.
206.3 Administrative procedure prior to hearing.
206.4 Request for hearing.
206.5 Hearing panel.
206.6 Hearing.
206.7 Decision.
206.8 Appeal from decision.
206.9 Notice to vacate premises.
206.10 Termination of assistance.

Authority: Sec. 601 of the Disaster Relief Act of 1974, (42 U.S.C. 5201).

§ 206.1 Purpose.

The purpose of this Part is to prescribe a pre-termination hearing procedure to be followed by the Federal Emergency Management Agency (FEMA) regarding termination of assistance for, or eviction from, temporary housing provided under the Disaster Relief Act of 1974 (the "Act") as a result of a major disaster. This procedure is applicable to any dispute with respect to action terminating assistance for, or evicting a tenant from, such temporary housing, and is available to any tenant (including an occupant) of such housing who is or may be adversely affected by the action.

§ 206.2 Termination of benefits.

Written notice shall be delivered to the tenants at least 30 days prior to the proposed termination by FEMA of assistance for or eviction by FEMA from temporary housing, specifying the reasons for termination of assistance of tenancy; the date of termination, which shall be not less than 30 days after receipt of the notice; and the administrative procedure available to the tenant if he/she wishes to dispute the action.

§ 206.3 Administrative procedure prior to hearing.

(a) *Filing of complaint.* If the tenant desires to dispute the termination, upon receipt of the written notice specified in § 206.2 he shall present his complaint in writing to the appropriate FEMA office in person or by mail within five business days or such additional time as FEMA may for good cause allow. The complaint must be signed by the tenant and give the reasons or grounds why the assistance or tenancy should not be terminated and for any other action requested.

(b) *Informal conference.* The appropriate FEMA official shall, immediately upon receipt of complaint, attempt to arrange an informal conference with the complaining tenant in an effort to settle the matter without a

hearing. Whether or not the matter is settled by an information conference, an answer in writing to each complaint, dated and signed by the appropriate FEMA official, shall be delivered or mailed to the complainant within five business days after receipt of the complaint or such additional time as FEMA may for good cause allow. The answer shall specify the determination which has been made, based on consideration of the information in the complaint and/or provided at any informal conference, and the specific reasons for the determination. If the determination is made to terminate the assistance or the tenancy, the tenant shall be advised in writing of his right to request a hearing on the matter within ten business days after receipt of the determination and of the procedure for obtaining such a hearing.

§ 206.4 Request for hearing.

If the tenant desires to dispute any determination made under § 206.3, he/she may submit in writing a request for a hearing to the appropriate FEMA office in person or by mail within ten business days after receipt of the determination. A hearing date shall be scheduled promptly for a time and place reasonably convenient to the complaining tenant who shall be notified promptly thereof in writing. The notice of hearing shall specify the procedure governing the hearing.

§ 206.5 Hearing panel.

(a) The Hearing Panel shall consist of three members: One tenant member, one member representing FEMA, and one impartial and disinterested member (together with an alternate) who shall be chosen by the other two Hearing Panel members. Relatives of the complaining tenant, and officials and employees of FEMA whose duties or responsibilities have involved them in any way with the complaint, shall not be eligible to serve on the Panel. The impartial and disinterested member of the Panel shall not be an official or employee of the FEMA office in which the complaint originated or a tenant receiving temporary housing assistance under the Act. In the event that the two Hearing Panel members cannot agree on the third impartial member, the third member shall be appointed by the Commercial Arbitration Tribunal of the American Arbitration Association.

(b) In the event that no tenant is available for selection as a member of the Hearing Panel in accordance with these regulations, then the hearing shall be conducted by a single impartial and disinterested Hearing Officer appointed in the same manner as provided in

§ 206.5(a) for appointment of the impartial member of a Hearing Panel.

§ 206.6 Hearing.

(a) *Due process requirement.* The complaining tenant shall be afforded a fair hearing providing the basic safeguards of due process before the Hearing Panel and may be represented by counsel or another person chosen as his/her representative. The hearing shall be private unless the complainant requests and the Hearing Panel agrees to a public hearing. This restriction shall not be construed to limit the attendance of persons with a valid interest in the proceedings.

(b) *Availability of documents.* The complainant may examine before the hearing and, at his/her expense, copy all documents and records of the appropriate FEMA office that are relevant to the hearing. Any document not made available, after request therefor by the complainant, may not be relied on by FEMA at the hearing. The complainant may request in advance and at his/her expense a transcript of the hearing.

(c) *Deposit of rentals and other charges.* If the dispute involves rentals or other charges which FEMA claims are due, the complainant shall deposit the amount in dispute in an escrow account before a hearing is scheduled. This requirement may be waived by FEMA in extenuating circumstances. Failure to make such deposit shall not constitute a waiver of complainant's right to contest FEMA's disposition of his/her complaint in an appropriate judicial proceeding.

(d) *Failure to appear.* If a complainant fails to appear at a hearing, the Hearing Panel may postpone the hearing for not to exceed five business days or make a determination that complainant has waived his/her right to a hearing. Such determination shall not constitute a waiver of complainant's right to contest FEMA's disposition of his/her complaint in an appropriate judicial proceeding.

(e) *Proof.* At the hearing, the complainant must first make a prima facie case; thereafter, FEMA must sustain the burden of proof in justifying the action against which the complaint is directed. The complainant shall have the right to present evidence and arguments in support of his/her complaint, to controvert evidence relied on by FEMA, and to confront in a reasonable manner and cross-examine all witnesses on whose testimony or information FEMA relies. Hearings shall be conducted informally by the Hearing Panel and any oral or documentary evidence pertinent to the facts and issues raised by the complaint may be

received without regard to its admissibility under rules of evidence employed in judicial proceedings.

§ 206.7 Decision.

The decision of the Hearing Panel shall be based solely and exclusively upon facts presented at the hearing and upon applicable Federal and State law, and FEMA regulations and requirements promulgated thereunder. The Hearing Panel shall prepare a written decision setting forth a statement of findings and conclusions, together with the reasons or basis therefor, upon all material issues raised by the parties, within five business days after the hearing, or such additional time as FEMA may for good cause allow. The decision of the Hearing Panel shall be binding on FEMA which shall take all actions necessary to carry out the decision or refrain from any action prohibited by the decision unless the FEMA General Counsel determines and notifies the complainant in writing within 30 days, or such additional time as FEMA may for good cause allow, that the decision of the Hearing Panel is not legally supportable. Any such decision of the FEMA General Counsel may be judicially reviewed.

§ 206.8 Appeal from decision.

A decision by the Hearing Panel in favor of FEMA or which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, rights he/she may have to a trial de novo in judicial proceedings which may thereafter be brought in the matter. In such judicial proceedings, FEMA shall, by stipulation or other appropriate means, be limited to invoking against the complainant grounds originally relied on by FEMA in its proposed disposition of the complaint, but may respond to any new matters raised by the complainant.

§ 206.9 Notice to vacate premises.

If the tenant has requested a hearing on a notice of termination of tenancy pursuant to § 206.2 and the Hearing Panel upholds FEMA's decision to evict, an action to regain possession may not be commenced until the tenant's right to use and occupancy of the premises has been terminated by lawful written notice. Such notice to vacate may not be given prior to the date on which the Hearing Panel's decision is delivered or mailed to the tenant. In no case may eviction occur prior to the termination date stated in the original notice of termination of tenancy. When such notice to vacate is given to the tenant, he/she must be informed in writing that, if he/she fails to quit the premises

within three days, appropriate action will be brought against him/her and that if suit is brought against him/her, he/she may be required to pay court costs and attorney fees. If the tenant elects to contest the legal action, FEMA must establish that the reasons on which it relied in the administrative proceedings constitute good cause for eviction under applicable laws and regulations.

§ 206.10 Termination of assistance.

If the Hearing Panel upholds FEMA's decision to terminate assistance for temporary housing, such assistance may be terminated in accordance with the original notice given pursuant to § 206.2 at any time after the 30 days specified in the original notice have elapsed.

Issued at Washington, D.C. this 13th day of December, 1979.

Thomas R. Casey,
Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

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BILLING CODE 6718-01-M

Thursday
December 20, 1979

DEPARTMENT OF
TRANSPORTATION
URBAN MASS TRANSPORTATION
ADMINISTRATION

Part VI

**Department of
Transportation**

**Urban Mass Transportation
Administration**

Urbanized Area Formula Apportionments

DEPARTMENT OF TRANSPORTATION**Urban Mass Transportation Administration****Urbanized Area Formula Apportionments**

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice

SUMMARY: This Notice: 1. Describes the formula apportionment mechanism of section 5 of the Urban Mass Transportation Act of 1964, as amended.

2. Presents uniform terms for the subcategories of the section 5 program.

3. Provides the apportionment under Section 5 for fiscal year 1980. The apportionments presented here are in the format of the new uniform terms mentioned above.

4. Indicates the fixed-guideway/commuter rail data audit reports which have been received to date. These reports, submitted by the urbanized areas, are required in order for grants of some of the Section 5 funds to be made.

FOR FURTHER INFORMATION CONTACT: John Barber, Office of Program Analysis, UMTA, 400 Seventh Street, SW., Washington, D.C. 20590. Phone 202-472-7100.

SUPPLEMENTARY INFORMATION**I. Background**

A program of federal assistance to urban mass transportation systems through grants on a formula basis for capital and operating assistance was enacted November 26, 1974 as section 5 of the Urban Mass Transportation Act of 1964, as amended (UMTA Act). An aggregate amount of \$3,975 million was authorized for this program for fiscal years 1975 through 1980. The Surface Transportation Assistance Act of 1978 (STAA) authorized \$6,525 million for section 5 for fiscal years 1979 through 1982 of which a total of \$1,530 million is authorized for fiscal year 1980. The Department of Transportation and Related Agencies Appropriations Act of 1980 (Public Law 96-131) appropriates \$1,405 million for apportionment in fiscal year 1980.

II. Previous Apportionment Mechanism

The legislation in effect from fiscal years 1975 through 1978, section 5(b)(1) of the Urban Mass Transportation Act of 1964, as amended, directed the Secretary of Transportation to apportion authorized funds "on the basis of a population and population density formula" as follows:

A. One-half of the funds apportioned according to population. Each urbanized area's share is proportional to the ratio

of that area's population to the total population of all urbanized areas.

B. The other half of the funds are apportioned according to the product of population and population density. Each urbanized area's share is proportional to the ratio of the product population and population density for that area to the total of the products of population and population density for all the urbanized areas.

III. New Apportionment Mechanism

The Surface Transportation Assistance Act of 1978 changed the formula for the operating assistance program. Section 5(a) of the UMT Act, as amended, (the "Act") directs the Secretary to apportion the funds appropriated to the urbanized areas on the basis of several factors. These factors, and the amounts attributable to each in fiscal year 1980, are as follows:

A. Under paragraph (a)(1) of section 5 of the UMT Act, \$850 million is to be apportioned among all the urbanized areas on the basis of their populations and population densities. These funds are available for capital or operating purposes, are apportioned by population and population density as in the previous legislation, and are referred to in the new uniform terms as the "First Tier" or "Tier I."

B. Under paragraph (a)(2) of section 5 of the UMT Act, \$165 million is to be apportioned on the basis of population and population density. These funds are referred to in the new uniform terms as the "Second Tier" or "Tier II." These funds, which are available for capital or operating purposes, are apportioned as follows:

1. 85% of the funds are apportioned among urbanized areas with populations greater than 750,000. Each urbanized area's share is determined in a manner identical to that described in III A, with the exception that the population and population density of each such urbanized area is compared to the totals for those urbanized areas over 750,000 population instead of for all urbanized areas in the country.

2. 15% of the funds are apportioned among urbanized areas with populations less than 750,000. Each such urbanized area's share is determined in a manner identical to that described in III A, with the exception that population and population density of each such urbanized area is compared to the totals for those urbanized areas under 750,000 population instead of for all urbanized areas in the country.

C. Under paragraph (a)(3) of Section 5 of the UMT Act, \$90 million is to be apportioned among all the urbanized areas on the bases of their fixed

guideway and commuter rail route mileages and commuter rail train mileages. These funds, including both fixed guideway and commuter rail amounts, are referred to in the new uniform terms as the "Third Tier" or "Tier III." Data used to determine these appropriations are supplied by the Metropolitan Planning Organizations of the urbanized areas, pursuant to the reporting requirements presented in the Federal Register of December 18, 1978 (43 FR 58935), with modifications presented in the Federal Register January 22, 1979 (44 FR 4493) and May 3, 1979 (44 FR 26050).

These funds which are available for capital and operating expenses related to both fixed guideway and commuter rail systems, are apportioned as follows:

1. Two thirds of the appropriation is to be apportioned based upon the commuter rail service serving each urbanized area. No single eligible state's portion of an urbanized area shall receive more than 30% nor less than 1/2 of 1% of the amount apportioned under the subcategory. The funds are apportioned as follows:

a. One half of this amount is to be apportioned according to commuter rail route miles. Each eligible urbanized area's share is proportional to the ratio of the commuter rail route miles within or serving the area to the total of all such commuter rail route miles within or serving all the urbanized areas.

b. One half of this amount is to be apportioned according to commuter rail train miles. Each eligible urbanized area's share is proportional to the ratio of the commuter rail train miles operated within or serving the area to the total of all such commuter rail train miles operated within or serving all the urbanized areas.

2. The remainder of the amount appropriated is to be apportioned according to the number of fixed guideway route miles in each urbanized area. Each eligible urbanized area's share is proportional to the ratio of the fixed guideway route miles (excluding commuter rail) within the urbanized area to the total of all such fixed guideway route miles in all the urbanized areas. No single urbanized area shall receive more than 30% of amount apportioned under this subcategory.

D. Under paragraph (a)(4) of section 5 of the UMT Act, \$300 million is to be apportioned among all the urbanized areas on the basis of their populations and population densities, in the same manner as described in III A above. These funds are available only for the purchase of buses and related equipment, or the construction of bus

related facilities. These funds are referred to in the new uniform terms as the "Fourth Tier" or "Tier IV."

IV. Apportionment for Fiscal Year 1980

This notice contains the apportionment for fiscal year 1980. Values are presented in the format of the new uniform terms described in III, above. The funds shown in this notice will remain available to be granted by UMTA for three fiscal years following fiscal year 1980.

The Third Tier apportionments were determined on the basis of certified data submitted to UMTA by the urbanized areas under the reporting requirements set forth in the Federal Register of December 18, 1978 (43 FR 58935), with modifications presented in the Federal Register of January 22, 1979 (44 FR 4493) and May 3, 1979 (44 FR 26050). The fiscal year 1979 apportionments of Third Tier funds, presented in the Federal Register of September 20, 1979 (44 FR 54662), contained errors due to incorrect data reported by several urbanized areas. This incorrect data resulted in reduced apportionments in fiscal year 1979 for all the other urbanized areas receiving Third Tier apportionments. Correct fiscal year 1979 apportionments, pending the receipt of further audit reports of the data used, have been calculated for all urbanized areas. The differences between the correct apportionments and the previously published values have been determined, and the excesses and deficiencies were added to the apportionments calculated for fiscal year 1980. The values presented here are the fiscal year 1980 apportionments with the resulting adjustments for fiscal year 1979 and, subject to other statutory and regulatory limitations, are available for grants. Grants already awarded for fiscal year 1979 apportionments are not affected, and any funds remaining from the previously published (44 FR 54662) fiscal year 1979 apportionments are still available.

Amounts apportioned to urbanized areas greater than 200,000 in population are available directly to those urbanized areas. Amounts apportioned to urbanized areas under 200,000 in population are available to the Governors of the state(s) in which the urbanized area or a portion of an urbanized area is located. Amounts for these areas are listed under their states, and a state total is shown.

The tables in this notice contain round-off errors for some items of information. In cases of differences, the controlling apportionments will be the urbanized area aggregate for multi-state urbanized areas over 200,000 in population and the state aggregate for

urbanized areas under 200,000 in population.

V. Status of Third Tier Data Audit Reports

As stated in 49 CFR Part 630 Subpart D, Appendix A, published in the December 18, 1978 Federal Register (43 FR 58928), an audit of the fixed guideway and commuter rail data used in calculating the Section 5 Third Tier funds is required. After the publication of the Third Tier apportionments based upon the submitted data, but prior to receipt of the audit report, one half of the Third Tier amounts apportioned to each area will be available. If the urbanized area's audit report confirms the data submitted, the remaining half of the Third Tier funds will be made available to that area. If the audit report provides data which would have caused an apportionment greater than the amount actually apportioned, the amount made available will be limited to that actually apportioned. If the audit report provides data which would have caused an apportionment which is less than the amount actually apportioned, only the amount resulting from the data verified by the audit report shall be made available. Excess funds resulting from such a restriction will be added to the total amount for the next year's apportionment to all areas in this category.

To date, audit reports for data used in fiscal year 1979 apportionments have been received from the following urbanized areas, or state parts of urbanized areas:

Allentown-Easton-Bethlehem, NJ-PA (NJ part only)
 Bridgeport, CT
 New Haven, CT
 New York, NJ-NY (NJ and NY parts)
 Philadelphia, NJ-PA (NJ and PA parts)
 Pittsburgh, PA
 San Diego, CA
 Trenton, NJ
 Stamford, CT
 Norwalk, CT
 Danbury, CT
 Waterbury, CT
 Atlantic City, NJ

To date, audit reports for data used in fiscal year 1980 apportionments have been received from the following urbanized areas, or state parts of urbanized areas:

Aurora-Elgin, IL
 Bridgeport, CT
 Chattanooga, TN
 Chicago, IL-IN (IL part only)
 Detroit, MI
 Madison, WI
 New Haven, CT
 New Orleans, LA
 New York, NY-NJ (NY part only)
 Philadelphia, NJ-PA (NJ and PA parts)

San Diego, CA
 Seattle-Everett, WA
 Stamford, CT
 Norwalk, CT
 Danbury, CT
 Waterbury, CT
 Joliet, IL

Also as stated in 49 CFR Part 630 Subpart D, Appendix A, fixed guideway and commuter rail data for the Third Tier section 5 apportionments are to be submitted to the UMTA regional offices by the urbanized areas by May 1, for the apportionments for the fiscal year beginning October 1 of that calendar year. In addition, the audit reports for the data are to be submitted within two months of the specified data for submittal of the data (i.e., by July 1). Adherence to this schedule for submittal of the data and of the audit reports will enhance the timely and accurate calculation and publication of the apportionments, and will expedite the awarding of grants against those apportionments.

Dated: December 17, 1979.
 Lillian C. Liburdi,
 Acting Deputy Administrator.
 BILLING CODE 4910-57-M

**FISCAL YEAR 1980 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO URBANIZED AREAS OVER 200,000 POPULATION (DOLLARS)**

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (a) (1)	Operating and Capital Support Sect. 5 (a) (2)	Fixed Gulldeway and Commuter Rail Support Sect. 5 (a) (3)	Bus Capital Support Sect. 5 (a) (4)
Akron, Ohio.....	3,157,719	302,159		1,114,489
Albany—Schenectady—Troy, New York.....	3,070,930	299,506		1,083,858
Albuquerque, New Mexico.....	1,713,082	163,515		604,617
Allentown—Bethlehem—Easton, PA—NJ.....	2,439,889	241,112	453,335	861,137
(Part: New Jersey).....	171,952	17,050	453,335	60,689
(Part: Pennsylvania).....	2,267,937	224,062		800,448
Atlanta, Georgia.....	6,852,606	1,664,298		2,418,567
Aurora—Elgin, Illinois.....	1,429,488	138,536	331,409	504,525
Austin, Texas.....	1,634,865	158,697		577,011
Baltimore, Maryland.....	12,551,158	2,966,845	758,870	4,429,820
Baton Rouge, Louisiana.....	1,512,737	146,196		533,907
Birmingham, Alabama.....	3,158,174	300,117		1,114,650
Boston, Massachusetts.....	18,501,007	4,419,705	6,437,707	6,529,767
Bridgeport, Connecticut.....	2,444,918	234,893	306,090	862,912
Buffalo, New York.....	8,615,771	2,036,906		3,040,860
Canton, Ohio.....	1,527,163	148,625		538,999
Charleston, South Carolina.....	1,255,955	118,471		443,282
Charlotte, North Carolina.....	1,620,861	154,972		572,068
Chattanooga, Tennessee—Georgia.....	1,154,109	106,990	43,409	407,332
(Part: Georgia).....	151,095	14,052		53,328
(Part: Tennessee).....	1,003,014	92,938	43,409	354,005
Chicago, Illinois, Northwestern Indiana.....	54,249,398	12,807,189	15,964,468	19,146,846
(Part: Illinois).....	51,264,445	12,079,569	14,882,820	18,093,333
(Part: Indiana).....	2,984,953	727,620	1,081,649	1,053,513
Cincinnati, Ohio—Kentucky.....	7,088,076	1,706,784		2,501,674
(Part: Kentucky).....	1,186,476	287,289		418,756
(Part: Ohio).....	5,901,599	1,419,495		2,082,917
Cleveland, Ohio.....	12,028,422	2,907,202	1,553,055	4,245,325
Colorado Springs, Colorado.....	1,121,182	105,637		395,711
Columbia, South Carolina.....	1,337,774	126,394		472,161
Columbus, Georgia—Alabama.....	1,085,609	100,871		383,156
(Part: Alabama).....	117,254	10,519		41,384
(Part: Georgia).....	968,355	90,352		341,772
Columbus, Ohio.....	5,080,395	1,222,489		1,793,080
Corpus Christi, Texas.....	1,045,974	95,572		369,167
Dallas, Texas.....	6,992,046	1,718,526		2,467,781
Davenport—Rock Island—Moline, IA—IL.....	1,450,842	136,541		512,062
(Part: Illinois).....	806,527	77,013		284,656
(Part: Iowa).....	644,315	59,528		227,405
Dayton, Ohio.....	4,226,022	409,917		1,491,537
Denver, Colorado.....	6,925,190	1,662,159		2,444,185
Des Moines, Iowa.....	1,416,384	133,842		499,900
Detroit, Michigan.....	29,638,846	7,040,444	437,921	10,460,769
El Paso, Texas.....	2,010,170	193,453		709,472
Flint, Michigan.....	2,139,106	209,825		754,798
Fort Lauderdale—Hollywood, Florida.....	3,692,036	356,134		1,303,072
Fort Wayne, Indiana.....	1,427,450	139,351		503,806
Fort Worth, Texas.....	3,371,399	309,280		1,189,906
Fresno, California.....	1,680,358	164,337		593,068
Grand Rapids, Michigan.....	1,973,395	186,986		696,492

FISCAL YEAR 1980 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO URBANIZED AREAS OVER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
Harrisburg, Pennsylvania.....	1,485,556	144,148		524,314
Hartford, Connecticut.....	3,069,066	302,228		1,083,200
Honolulu, Hawaii.....	3,029,588	300,613		1,069,266
Houston, Texas.....	10,417,733	2,515,101		3,676,847
Indianapolis, Indiana.....	4,403,173	1,078,962		1,554,061
Jacksonville, Florida.....	2,545,016	230,931		898,241
Kansas City, Missouri—Kansas.....	5,993,314	1,466,507		2,115,287
(Part: Kansas).....	2,007,476	488,510		708,521
(Part: Missouri).....	3,985,838	977,997		1,406,766
Lansing, Michigan.....	1,427,466	138,760		503,812
Las Vegas, Nevada.....	1,229,382	114,170		433,900
Lawrence—Haverhill, MA—NH.....	1,113,758	105,366		393,091
(Part: Massachusetts).....	1,030,258	97,853		363,620
(Part: New Hampshire).....	83,501	7,513		29,471
Little Rock—North Little Rock, Arkansas.....	1,230,777	116,260		434,392
Los Angeles—Long Beach, California.....	67,881,147	16,018,124	1,313,616	23,958,051
Louisville, Kentucky—Indiana.....	4,848,471	476,800		1,711,225
(Part: Indiana).....	490,469	47,318		173,107
(Part: Kentucky).....	4,358,003	429,482		1,538,119
Madison, Wisconsin.....	1,252,524	121,198	57,878	442,067
Memphis, Tennessee—Mississippi.....	4,285,501	420,010		1,512,530
(Part: Mississippi).....	56,028	5,457		19,774
(Part: Tennessee).....	4,229,473	414,553		1,492,755
Miami, Florida.....	9,276,823	2,200,313		3,274,173
Milwaukee, Wisconsin.....	7,370,670	1,788,832		2,601,413
Minneapolis—St. Paul, Minnesota.....	9,463,425	2,310,549	212,219	3,340,032
Mobile, Alabama.....	1,244,159	113,041		439,115
Nashville—Davidson, Tennessee.....	2,075,978	186,120		732,698
New Haven, Connecticut.....	2,202,671	214,911	306,090	777,413
New Orleans, Louisiana.....	7,744,940	1,828,871	655,949	2,733,508
Newport News—Hampton, Virginia.....	1,374,453	127,143		485,101
New York, N.Y., Northeastern, New Jersey.....	151,121,410	35,318,634	33,260,044	53,336,965
(Part: New Jersey).....	30,223,057	7,292,241	8,226,572	10,666,961
(Part: New York).....	120,898,348	28,026,393	25,033,472	42,670,004
Norfolk—Portsmouth, Virginia.....	3,635,666	341,967		1,283,176
Oklahoma City, Oklahoma.....	2,888,544	265,013		1,019,486
Omaha, Nebraska—Iowa.....	3,112,233	303,712		1,098,435
(Part: Iowa).....	305,486	27,545		107,818
(Part: Nebraska).....	2,806,748	276,167		990,617
Orlando, Florida.....	1,684,634	159,025		594,577
Oxnard—Ventura—Thousand Oaks, California....	1,322,277	124,152		466,686
Peoria, Illinois.....	1,361,941	128,543		480,685
Philadelphia, Pennsylvania—New Jersey.....	32,810,617	7,740,191	12,865,931	11,580,218
(Part: New Jersey).....	4,657,968	1,123,666	1,408,465	1,643,989
(Part: Pennsylvania).....	28,152,649	6,616,525	11,457,466	9,936,229
Phoenix, Arizona.....	4,691,820	1,148,161		1,655,936
Pittsburgh, Pennsylvania.....	11,429,704	2,760,160	1,749,399	4,034,013
Portland, Oregon—Washington.....	5,105,340	1,232,938		1,801,885
(Part: Oregon).....	4,703,373	1,134,685		1,660,014
(Part: Washington).....	401,967	98,253		141,871

FISCAL YEAR 1980 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO URBANIZED AREAS OVER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (a) (1)	Operating and Capital Support Sect. 5 (a) (2)	Fixed Guideway and Commuter Rail Support Sect. 5 (a) (3)	Bus Capital Support Sect. 5 (a) (4)
Providence—Pawtucket—Warwick, RI—MA	5,037,340	1,213,845	600,000	1,777,885
(Part: Massachusetts)	343,822	84,526	300,000	121,349
(Part: Rhode Island)	4,693,517	1,129,319	300,000	1,656,535
Richmond, Virginia	2,501,293	241,176		882,809
Rochester, New York	4,265,224	426,156		1,505,373
Rockford, Illinois	1,326,889	129,976		468,314
Sacramento, California	3,692,514	352,504		1,303,240
Salt Lake City, Utah	2,761,058	263,553		974,491
San Antonio, Texas	5,033,251	1,209,685		1,776,442
San Bernadino—Riverside, California	2,996,191	277,323		1,057,479
San Diego, California	7,474,834	1,803,814	832,951	2,638,177
San Francisco—Oakland, California	21,870,026	5,203,346	4,585,137	7,718,832
San Jose, California	6,888,691	1,651,030	394,816	2,431,303
San Juan, Puerto Rico	8,568,697	1,988,472		3,024,246
Scranton, Pennsylvania	1,082,448	101,097		382,040
Seattle—Everett, Washington	7,559,746	1,828,056	48,231	2,668,146
Shreveport, Louisiana	1,327,762	126,186		468,622
South Bend, Indiana—Michigan	1,714,112	164,851		604,981
(Part: Indiana)	1,594,652	153,815		562,818
(Part: Michigan)	119,460	11,036		42,162
Spokane, Washington	1,392,811	134,615		491,580
Springfield—Chicopee—Holyoke, MA—CN	2,765,759	259,332		976,150
(Part: Connecticut)	326,912	31,011		115,381
(Part: Massachusetts)	2,438,847	228,321		860,770
St. Louis, Missouri—Illinois	13,290,875	3,171,812		4,690,897
(Part: Illinois)	1,759,873	429,326		621,132
(Part: Missouri)	11,531,002	2,742,486		4,069,765
St. Petersburg, Florida	3,061,436	297,194		1,080,507
Syracuse, New York	2,596,744	258,077		916,498
Tacoma, Washington	1,910,418	182,239		674,265
Tampa, Florida	2,196,438	211,378		775,213
Toledo, Ohio—Michigan	2,957,089	285,765		1,043,678
(Part: Michigan)	54,635	4,891		19,283
(Part: Ohio)	2,902,453	280,874		1,024,395
Trenton, New Jersey—Pennsylvania	1,959,987	196,131	795,070	691,760
(Part: New Jersey)	1,769,055	177,677	795,070	624,372
(Part: Pennsylvania)	190,932	18,454		67,388
Tucson, Arizona	1,748,218	168,149		617,018
Tulsa, Oklahoma	1,965,345	183,456		693,651
Washington, D.C.—Maryland—Virginia	19,530,925	4,620,045	3,246,605	6,893,268
(Part: Maryland)	6,267,363	1,513,058	1,751,429	2,212,010
(Part: District of Columbia)	8,877,159	2,046,656	819,935	3,133,115
(Part: Virginia)	4,386,403	1,060,331	675,241	1,548,142
West Palm Beach, Florida	1,532,587	143,352		540,913
Wichita, Kansas	1,814,338	174,915		640,354
Wilkes—Barre, Pennsylvania	1,302,980	124,837		459,875
Wilmington, Delaware—New Jersey	2,391,406	234,272		844,026
(Part: Delaware)	2,286,067	224,669		806,847
(Part: New Jersey)	105,339	9,603		37,178
Worcester, Massachusetts	1,496,436	144,533		528,154
Youngstown—Warren, Ohio	2,442,410	237,032		862,027

FISCAL YEAR 1980 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
ALABAMA				
Governors Apportionment for				
Alabama	2,822,553	259,731		996,195
(Huntsville, Alabama).....	663,774	59,076		234,273
(Montgomery, Alabama).....	814,998	78,138		287,646
(Tuscaloosa, Alabama).....	446,957	41,532		157,750
(Gadsden, Alabama).....	308,760	27,544		108,974
(Florence, Alabama).....	301,853	27,374		106,536
(Anniston, Alabama).....	286,211	26,067		101,016
ALASKA				
Governors Apportionment for				
Alaska	583,169	54,362		205,824
(Anchorage, Alaska).....	583,169	54,362		205,824
ARIZONA				
Governors Apportionment for				
Arizona				
ARKANSAS				
Governors Apportionment for				
Arkansas	823,371	76,808		290,602
(Fort Smith, Arkansas—Oklahoma).....	337,412	30,178		119,086
(Pine Buff, Arkansas).....	368,222	35,561		129,961
(Texarkana, Texas—Arkansas).....	117,738	11,069		41,554
CALIFORNIA				
Governors Apportionment for				
California	6,165,463	599,033		2,176,046
(Bakersfield, California).....	1,088,350	105,637		384,124
(Stockton, California).....	1,039,437	101,965		366,860
(Santa Barbara, California).....	849,159	83,469		299,703
(Modesto, California).....	656,772	63,774		231,802
(Seaside—Monterey, California).....	640,775	63,621		226,156
(Santa Rosa, California).....	390,853	36,320		137,948
(Santa Cruz, California).....	395,420	37,046		139,560
(Salinas, California).....	444,995	44,501		157,057
(Antioch-Pittsburg, California).....	346,910	33,202		122,439
(Simi Valley, California).....	312,793	29,498		110,398
COLORADO				
Governors Apportionment for				
Colorado	1,187,380	118,019		419,075
(Pueblo, Colorado).....	656,175	64,087		231,591
(Boulder, Colorado).....	531,204	53,932		187,484
CONNECTICUT				
Governors Apportionment for				
Connecticut	5,283,109	499,002	1,224,352	1,864,627
(Stamford, Connecticut).....	1,074,072	102,739	306,088	379,084

FISCAL YEAR 1980 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (a) (1)	Operating and Capital Support Sect. 5 (a) (2)	Fixed Guideway and Commuter Rail Support Sect. 5 (a) (3)	Bus Capital Support Sect. 5 (a) (4)
CONNECTICUT—(Continued)				
(Waterbury, Connecticut).....	906,997	86,642	306,088	3(0,116
(New London—Norwich, Connecticut).....	709,510	65,545		250,415
(New Britain, Connecticut).....	843,522	82,582		297,714
(Norwalk, Connecticut).....	611,848	58,337	306,088	215,946
(Meriden, Connecticut).....	463,252	41,754		163,501
(Bristol, Connecticut).....	370,716	34,378		130,841
(Danbury, Connecticut).....	303,192	27,025	306,088	107,009
DELAWARE				
Governors Apportionment for Delaware				
DISTRICT OF COLUMBIA				
Governors Apportionment for Dist. of Columbia.....				
FLORIDA				
Governors Apportionment for Florida	4,769,603	443,923		1,683,389
(Melbourne—Cocoa, Florida).....	886,218	81,162		312,783
(Sarasota—Bradenton, Florida).....	850,436	78,490		300,154
(Pensacola, Florida).....	946,357	90,016		334,008
(Daytona Beach, Florida).....	538,111	48,390		189,922
(Tallahassee, Florida).....	449,177	42,894		158,533
(Gainesville, Florida).....	386,628	36,604		136,457
(Fort Myers, Florida).....	337,343	30,756		119,062
(Lakeland, Florida).....	375,332	35,611		132,470
GEORGIA				
Governors Apportionment for Georgia	2,833,584	270,044		1,000,088
(Savannah, Georgia).....	936,656	89,251		330,584
(Augusta, Georgia—South Carolina).....	748,659	71,901		264,232
(Macon, Georgia).....	725,926	69,014		256,209
(Albany, Georgia).....	422,344	39,878		149,062
HAWAII				
Governors Apportionment for Hawaii				
IDAHO				
Governors Apportionment for Idaho	512,779	49,472		180,981
(Boise, Idaho).....	512,779	49,472		180,981
ILLINOIS				
Governors Apportionment for Illinois	4,135,207	404,804	335,306	1,459,485
(Joliet, Illinois).....	926,383	89,156	335,306	326,959

FISCAL YEAR 1980 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (a) (1)	Operating and Capital Support Sect. 5 (a) (2)	Fixed Guideway and Commuter Rail Support Sect. 5 (a) (3)	Bus Capital Support Sect. 5 (a) (4)
ILLINOIS—(Continued)				
(Springfield, Illinois).....	801,791	79,051		282,985
(Champaign—Urbana, Illinois).....	831,471	85,375		293,460
(Decatur, Illinois).....	581,119	55,634		205,101
(Alton, Illinois).....	528,816	49,905		186,641
(Bloomington—Normal, Illinois).....	453,391	44,553		160,020
(Dubuque, Iowa—Illinois).....	12,237	1,130		4,319
INDIANA				
Governors Apportionment for				
Indiana	2,987,403	291,315		1,054,378
(Evansville, Indiana).....	934,761	91,935		329,916
(Muncie, Indiana).....	606,937	59,978		214,213
(Terre Haute, Indiana).....	463,141	44,140		163,462
(Anderson, Indiana).....	412,644	38,149		145,639
(Lafayette—West Lafayette, Indiana).....	569,921	57,113		201,148
IOWA				
Governors Apportionment for				
Iowa	2,096,934	195,901		740,094
(Cedar Rapids, Iowa).....	705,971	66,096		249,166
(Waterloo, Iowa).....	554,200	50,621		195,600
(Sioux City, Iowa—Nebraska—South Dakota).....	423,859	38,603		149,597
(Dubuque, Iowa—Illinois).....	412,904	40,581		145,731
KANSAS				
Governors Apportionment for				
Kansas	754,950	71,743		266,453
(Topeka, Kansas).....	749,535	71,274		264,542
(St. Joseph, Missouri—Kansas).....	5,415	469		1,911
KENTUCKY				
Governors Apportionment for				
Kentucky	1,860,659	183,543		656,704
(Huntington—Ashland, WV—KY—OH).....	282,097	26,333		99,564
(Lexington, Kentucky).....	1,113,571	110,914		393,025
(Clarksville, Kentucky—Tennessee).....	72,457	6,774		25,573
(Owensboro, Kentucky).....	392,534	39,522		138,541
LOUISIANA				
Governors Apportionment for				
Louisiana	1,908,525	181,675		673,597
(Monroe, Louisiana).....	494,628	46,571		174,574
(Lake Charles, Louisiana).....	511,006	48,839		180,355
(Lafayette, Louisiana).....	490,349	47,706		173,064
(Alexandria, Louisiana).....	412,541	38,559		145,603
MAINE				
Governors Apportionment for				
Maine	832,255	75,704		293,737
(Portland, Maine).....	550,072	50,988		194,143
(Lewiston—Auburn, Maine).....	282,183	24,716		99,594

FISCAL YEAR 1980 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
MARYLAND				
Governors Apportionment for Maryland				
MASSACHUSETTS				
Governors Apportionment for Massachusetts	4,395,030	424,080	600,000	1,551,187
(Lowell, Massachusetts).....	1,107,119	106,974	300,000	390,748
(Brockton, Massachusetts).....	887,770	85,462	300,000	313,330
(Fall River, Massachusetts—Rhode Island)...	812,670	79,978		286,825
(New Bedford, Massachusetts).....	929,257	92,483		327,973
(Fitchburg—Leominster, Massachusetts)....	359,695	32,199		126,951
(Pittsfield, Massachusetts).....	298,519	26,984		105,360
MICHIGAN				
Governors Apportionment for Michigan	4,897,146	471,774		1,728,404
(Ann Arbor, Michigan).....	1,242,136	123,631		438,401
(Kalamazoo, Michigan).....	806,160	75,292		284,527
(Saginaw, Michigan).....	951,830	93,275		335,940
(Muskegon—Muskegon Hgts., Michigan)....	555,393	51,743		196,021
(Jackson, Michigan).....	423,492	39,733		149,468
(Bay City, Michigan).....	475,760	46,028		167,915
(Battle Creek, Michigan).....	442,374	42,072		156,132
MINNESOTA				
Governors Apportionment for Minnesota	1,406,298	133,505		496,340
(Duluth—Superior, MN—WI).....	496,770	44,765		175,330
(Fargo—Moorhead, ND—MN).....	205,681	20,136		72,593
(La Crosse, Wisconsin—Minnesota).....	14,793	1,333		5,221
(Rochester, Minnesota).....	381,551	37,738		134,665
(St. Cloud, Minnesota).....	307,502	29,533		108,530
MISSISSIPPI				
Governors Apportionment for Mississippi	1,726,864	163,212		609,481
(Jackson, Mississippi).....	1,099,909	105,112		388,203
(Biloxi—Gulfport, Mississippi).....	626,955	58,100		221,278
MISSOURI				
Governors Apportionment for Missouri	1,333,929	123,918		470,798
(Springfield, Missouri).....	627,093	58,152		221,327
(St. Joseph, Missouri).....	427,259	40,542		150,797
(Columbia, Missouri).....	279,577	25,224		98,674
MONTANA				
Governors Apportionment for Montana	861,750	83,282		304,147
(Billings, Montana).....	412,961	39,486		145,751
(Great Falls, Montana).....	448,788	43,796		158,396

FISCAL YEAR 1980 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
NEBRASKA				
Governors Apportionment for				
Nebraska	970,269	93,584		342,448
(Lincoln, Nebraska).....	929,939	89,860		328,214
(Sioux City, Iowa—Nebraska—South Dakota).....	40,331	3,724		14,234
NEVADA				
Governors Apportionment for				
Nevada	579,169	55,401		204,412
(Reno, Nevada).....	579,169	55,401		204,412
NEW HAMPSHIRE				
Governors Apportionment for				
New Hampshire.....	843,626	79,208		297,750
(Manchester, New Hampshire).....	534,058	50,646		188,491
(Nashua, New Hampshire).....	309,567	28,562		109,259
NEW JERSEY				
Governors Apportionment for				
New Jersey.....	1,013,418	92,404	513,039	357,677
(Atlantic City, New Jersey).....	701,263	65,259	513,039	247,504
(Vineland—Millville, New Jersey).....	312,156	27,145		110,173
NEW MEXICO				
Governors Apportionment for				
New Mexico.....				
NEW YORK				
Governors Apportionment for				
New York.....	3,046,115	291,384	117,101	1,075,100
(Utica—Rome, New York).....	1,010,042	95,727		356,485
(Binghamton, New York).....	1,050,256	102,316		370,678
(Poughkeepsie, New York).....	526,374	48,703	117,101	185,779
(Elmira, New York).....	459,445	44,638		162,157
NORTH CAROLINA				
Governors Apportionment for				
North Carolina.....	5,799,284	542,520		2,046,806
(Fayetteville, North Carolina).....	873,284	82,023		308,218
(Raleigh, North Carolina).....	818,555	76,741		288,902
(Greensboro, North Carolina).....	861,964	81,920		304,222
(Winston—Salem, North Carolina).....	766,391	71,851		270,491
(Durham, North Carolina).....	557,710	52,696		196,839
(Gastonia, North Carolina).....	464,399	42,400		163,906
(High Point, North Carolina).....	473,083	43,596		166,970
(Asheville, North Carolina).....	372,786	34,526		131,572
(Burlington, North Carolina).....	310,984	28,877		109,759
(Wilmington, North Carolina).....	300,127	27,890		105,927

FISCAL YEAR 1980 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (a) (1)	Operating and Capital Support Sect. 5 (a) (2)	Fixed Guideway and Commuter Rail Support Sect. 5 (a) (3)	Bus Capital Support Sect. 5 (a) (4)
NORTH DAKOTA				
Governors Apportionment for				
North Dakota.....	363,720	36,048		128,372
(Fargo—Moorhead, ND—MN).....	363,720	36,048		128,372
OHIO				
Governors Apportionment for				
Ohio	3,623,529	344,152		1,278,893
(Lorain—Elyria, Ohio).....	974,163	89,822		343,822
(Huntington—Ashland, WV—KY—OH).....	156,198	14,617		55,129
(Springfield, Ohio).....	629,489	62,224		222,172
(Wheeling, WV—OH).....	242,783	24,529		85,688
(Hamilton, Ohio).....	506,118	47,894		178,630
(Steubenville—Weirton, Ohio—West Virginia).....	273,797	26,035		96,634
(Mansfield, Ohio).....	399,275	36,979		140,920
(Lima, Ohio).....	402,758	38,393		142,150
(Parkersburg, West Virginia—Ohio).....	38,950	3,659		13,747
OKLAHOMA				
Governors Apportionment for				
Oklahoma	524,190	49,108		185,008
(Lawton, Oklahoma).....	515,573	48,368		181,967
(Fort Smith, Arkansas—Oklahoma).....	8,618	740		3,042
OREGON				
Governors Apportionment for				
Oregon	1,322,025	125,811		466,597
(Eugene, Oregon).....	792,030	75,362		279,540
(Salem, Oregon).....	529,995	50,449		187,057
PENNSYLVANIA				
Governors Apportionment for				
Pennsylvania	5,505,306	543,350		1,943,049
(Erie, Pennsylvania).....	1,223,790	121,901		431,926
(Reading, Pennsylvania).....	1,185,065	118,288		418,258
(York, Pennsylvania).....	784,243	76,642		276,792
(Lancaster, Pennsylvania).....	717,947	69,562		253,393
(Johnstown, Pennsylvania).....	623,745	61,199		220,145
(Altoona, Pennsylvania).....	583,426	58,355		205,915
(Williamsport, Pennsylvania).....	387,088	37,403		136,619
PUERTO RICO				
Governors Apportionment for				
Puerto Rico.....	2,505,208	262,555		884,191
(Ponce, Puerto Rico).....	1,292,012	136,465		456,004
(Mayaguez, Puerto Rico).....	538,113	54,628		189,922
(Chauas, Puerto Rico).....	675,083	71,462		238,264

FISCAL YEAR 1980 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (a) (1)	Operating and Capital Support Sect. 5 (a) (2)	Fixed Guideway and Commuter Rail Support Sect. 5 (a) (3)	Bus Capital Support Sect. 5 (a) (4)
RHODE ISLAND				
Governors Apportionment for				
Rhode Island.....	69,115	6,063		24,394
(Fall River, Massachusetts—Rhode Island)...	69,115	6,063		24,394
SOUTH CAROLINA				
Governors Apportionment for				
South Carolina.....	1,344,935	125,724		474,683
(Greenville, South Carolina).....	851,813	80,051		300,640
(Augusta, Georgia—South Carolina).....	105,033	9,485		37,070
(Spartanburg, South Carolina).....	388,089	36,188		136,972
SOUTH DAKOTA				
Governors Apportionment for				
South Dakota.....	449,319	43,162		158,583
(Sioux City, Iowa—Nebraska—South Dakota).	3,805	336		1,343
(Sioux Falls, South Dakota).....	445,513	42,826		157,240
TENNESSEE				
Governors Apportionment for				
Tennessee.....	1,551,678	143,720		547,651
(Knoxville, Tennessee).....	1,032,767	97,048		364,506
(Kingsport, Tennessee—Virginia).....	313,324	28,284		110,585
(Clarksville, Kentucky—Tennessee).....	205,587	18,388		72,560
TEXAS				
Governors Apportionment for				
Texas.....	8,947,224	832,586		3,157,844
(Lubbock, Texas).....	779,709	72,405		275,191
(Amarillo, Texas).....	675,139	63,104		238,284
(Waco, Texas).....	551,819	49,521		194,760
(Port Arthur, Texas).....	568,687	51,856		200,713
(Beaumont, Texas).....	564,627	51,389		199,280
(Wichita Falls, Texas).....	537,357	50,708		189,655
(McAllen—Pharr—Edinburg, Texas).....	539,784	51,875		190,512
(Abilene, Texas).....	407,337	36,166		143,766
(Texas City—La Marque, Texas).....	367,826	32,348		129,821
(Odessa, Texas).....	516,767	50,430		182,388
(Killeen, Texas).....	374,060	34,522		132,021
(Laredo, Texas).....	439,588	42,796		155,149
(San Angelo, Texas).....	328,650	30,437		115,994
(Galveston, Texas).....	363,906	34,923		128,437
(Midland, Texas).....	310,103	28,706		109,448
(Tyler, Texas).....	334,427	31,686		118,033
(Texarkana, Texas—Arkansas).....	183,881	16,873		64,899
(Sherman—Denison, Texas).....	270,600	24,685		95,506
(Brownsville, Texas).....	342,704	33,651		120,954
(Bryan—College Station, Texas).....	248,379	22,577		87,663
(Harlingen—San Benito, Texas).....	241,877	21,928		85,368

FISCAL YEAR 1980 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Gulldeway and Commuter Rail Support	Bus Capital Support
	Sect. 5 (a) (1)	Sect. 5 (a) (2)	Sect. 5 (a) (3)	Sect. 5 (a) (4)
UTAH				
Governors Apportionment for				
Utah	1,352,218	126,463		477,254
(Ogden, Utah).....	843,354	80,047		297,654
(Provo—Orem, Utah).....	508,865	46,416		179,599
VIRGINIA				
Governors Apportionment for				
Virginia	1,814,314	170,832		640,346
(Roanoke, Virginia).....	869,056	82,168		306,726
(Petersburg—Colonial Heights, Virginia).....	559,532	52,933		197,482
(Lynchburg, Virginia).....	364,941	33,811		128,803
(Kingport, Tennessee—Virginia).....	20,786	1,920		7,336
WASHINGTON				
Governors Apportionment for				
Washington	720,096	67,236		254,152
(Richland—Kennewick, Washington).....	329,440	29,524		116,273
(Yakima, Washington).....	390,656	37,712		137,878
WEST VIRGINIA				
Governors Apportionment for				
West Virginia.....	2,400,576	231,647		847,262
(Huntington—Ashland, WV—KY—OH).....	588,314	58,497		207,640
(Charleston, West Virginia).....	901,265	85,865		318,094
(Wheeling, West Virginia—Ohio).....	352,804	33,750		124,519
(Steubenville—Weirton, OH—WV).....	188,561	17,384		66,551
(Parkersburg, West Virginia—Ohio).....	369,632	36,151		130,458
WISCONSIN				
Governors Apportionment for				
Wisconsin	3,870,144	378,052		1,365,934
(Duluth—Superior, MN—WI).....	136,695	11,819		48,245
(Appleton, Wisconsin).....	846,784	83,218		298,865
(Green Bay, Wisconsin).....	638,024	58,393		225,185
(Racine, Wisconsin).....	837,959	83,824		295,750
(Kenosha, Wisconsin).....	648,260	65,746		228,798
(LaCrosse, Wisconsin—Minnesota).....	355,553	34,143		125,489
(Oshkosh, Wisconsin).....	406,870	40,909		143,601

1979
PART
1979
1979

Thursday
December 20, 1979

Part VII

**Department of
Agriculture**

Office of the Secretary

Section 22 Import Quotas; Certain Dairy
Products

DEPARTMENT OF AGRICULTURE**Office of the Secretary****7 CFR Part 6****Section 22 Import Quotas; Certain Dairy Products**

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises Import Regulation 1 governing the administration of the import licensing system for certain dairy products subject to quotas proclaimed under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. The provisions of this final rule reflect changes made in quotas for certain dairy products by Presidential Proclamation effective December 13, 1979, issued in accordance with the provisions of the Trade Agreements Act of 1979 (Pub. L. 96-39) (the Act) and bilateral agreements approved by the Act. The revision is needed in order to assure fair and equitable allocation and use of licenses for the importation of articles subject to such quotas.

EFFECTIVE DATE: December 21, 1979.

FOR FURTHER INFORMATION CONTACT: Carol M. Harvey, Head, Dairy and Import Group, Dairy, Livestock and Poultry Division, CP, Room 6616, South Building, Department of Agriculture, Washington, D.C. 20250. (202) 447-5270.

SUPPLEMENTARY INFORMATION: The proposed revision of Import Regulation 1, was published in the Federal Register on October 3, 1979. A 30-day public comment period ended on November 2, 1979. Written comments were received from 29 different entities. Those meritorious comments deemed both administratively possible to implement and not in conflict with the objective of fair and equitable allocation among the various interested parties have been incorporated into this final rule, Import Regulation I, Revision 7. Other comments were not included in this final rule because their inclusion would have resulted in a significant enough change in the proposed rule to require another comment period. In view of the need to implement the program governed by this rule for the 1980 quota year, such was not considered possible. However, the Licensing Authority will keep the operation of this revision under review and propose amendments as necessary.

Since it will be necessary to have a preparation period, in addition to an application period, in order to give applicants throughout the country

adequate time to study the regulation and apply for 1980 Appendix 2 licenses, final issuance of Appendix 2 licenses cannot occur by the beginning of the quota year, January 1, 1980.

Consequently, the Licensing Authority has determined that in certain cases it will be necessary to issue partial interim licenses based on the documents already submitted pursuant to the notice in the Federal Register of August 16, 1979, (44 FR 47969). This does not exempt applicants from submitting their documents as required in § 6.25(a) of this rule.

**Discussion of Major Comments—
Definition of Affiliate**

One entity commented that the rules of attribution under which affiliation may be found should not be limited to stock ownership but should extend to any form of ownership in an entity holding license to import cheese. The rules of attribution in § 6.25(b)(3) are accordingly revised.

It should be noted that the definition of affiliate in the proposed regulation was stated only in terms of attribution of ownership. This has been changed to a more general definition which is in turn expanded by the rules of attribution to be found in § 6.25(b)(3).

These rules of attribution have been slightly modified from the draft to permit family members who can clearly show the Licensing Authority that they are not affiliates to be considered as separate persons for the purpose of this regulation.

Definition of Cheese

It was pointed out by two entities that a definition of cheese or cheese product would clarify many passages, especially the passages dealing with eligibility. A definition has thus been inserted. It includes all those products defined as cheese or cheese products for which standards of identity have to date been promulgated by the Food and Drug Administration and/or found in Part 133 of Title 21 of the CFR.

Definition of Entire Dairy Products Business

One entity commented that a definition of "entire dairy products business" in terms of total assets was unfair to small businesses that would like to acquire the good will, trade connections, and licenses for an entire product line of all cheese from a particular country, but have no way of acquiring the requisite assets of a large corporation with a large business dependent on licenses. While this may be true, it is felt that altering the definition to permit the transfer of

license eligibility for an entire product line, rather than the entire dairy products business, would tend to be an undesirable step toward the legalization of the actual buying and selling of selected licenses. This has always been considered inequitable in light of the historical basis upon which most license allocations have been made. In addition, it is felt that such a change could lead to the gradual acquisition of the import rights for a certain country's quotas by one firm.

EC-Wide Quotas

Three entities were either opposed to the EC-wide quota or desired gradual implementation of it. The reasons advanced by these commentators ranged from the greater difficulty of license adjustment, which could result from the larger source of product, to the possibility that competition among EC member states will be so intense that chaotic market conditions will develop in the United States. The regulation governing price-undercutting (published as a proposed rule in the Federal Register on October 30, 1979, 44 FR 62292) should serve to prevent such market chaos.

Postmark

One entity objected entirely to the idea of using the postmark date as a criterion for license allocation, indicating that ways can be found to get around the stricter definition of "postmark" and suggesting that a random selection method be used. The Licensing Authority has been authorized in this final rule to use some other fair and equitable procedure in cases where the postmark dates on applications are all the same.

The Application Period for 1980 Licenses

In view of the number of changes brought about by this regulation, the number of importers which may become involved for the first time with licensing procedures, and the need for time to receive and study the substantive provisions contained in this revision, it has been determined that a 21-day application preparation period for 1980 licenses is warranted beginning December 21, 1979. This will be followed by a 21-day official application period during which all license applications for Appendix 2 licenses and government endorsements for the 1980 quota year must be submitted. Therefore, all applications and endorsements for 1980 Appendix 2 licenses must be postmarked no later than January 31, 1980.

Provisions for Historical License Eligibility

Three entities stated that they would like to see the increases in the quotas negotiated during the Tokyo Round of the Multilateral Trade Negotiations left open, i.e., not allocated on a historical basis. They felt that historical licenses have prevented and would continue to prevent full utilization of the quotas. Two of the entities preferred a first-come, first-served system, and the third a gradual phase-out of historical licenses for some other form of licensed imports. While this regulation does not eliminate historical licenses, it has, since Revision 6 (effective November 22, 1978), envisioned the eventual diminution of the proportion of each quota allocated as historical licenses through the conversion to nonhistorical or supplementary status of those historical licenses lost by licensees due to nonuse or violation of the regulation.

Three entities commented on the base period used for determining eligibility for Appendix 2 historical licenses. Each suggested that the chosen period was not representative. The Licensing Authority, however, feels that the base period chosen, July 1, 1978–June 30, 1979, is representative, and the fact that so few of the over 400 firms involved in importing cheese have expressed dissatisfaction with it tends to substantiate the fact that this period is generally accepted as representative.

Methods for the Allocation of License

Two entities commented on the fact that no more than 50 percent of the quota in Appendix 2 will be made available for historical licenses. One commentator felt that an eligible importer should receive 100 percent of what he or she imported during the base period. The other felt that at least 50 percent of Appendix 2 should, in all instances, be reserved for importers active during the base period. The provision of the regulation is intended to accommodate all legitimate interests in the cheese importing business, including firms who, after January 1, 1980, will be totally new to the importing business. The allocation procedures established will, generally speaking, give such newcomers the opportunity to compete through the application process for up to 25 percent of the overall quota.

It should be noted that a change in § 6.26(a)(4) has been made in response to comments. The provision was generalized in the interest of fairness.

Size and Number of Supplementary Licenses

Two entities commented on the size of the supplementary licenses. One commentator indicated that the minimum quantity should be graduated according to the amount of quota available for supplementary allocation for a particular cheese from a particular country. This suggestion was approved in modified form and incorporated in the final rule as a means of giving more importers a chance to obtain licenses.

The second commentator dealt with the limitation on supplementary licenses obtained by Appendix 2 historical licensees. This limitation provides that such historical licensees receive supplementary allocations the sizes of which are not more than their historical shares under Appendix 2. Under certain circumstances, this could result in the historical licensee receiving less than the newcomer. A revision has thus been made permitting the Licensing Authority to allocate to an Appendix 2 historical licensee a supplementary quota share large enough in size to bring his or her combined historical and supplementary quota share up to at least the size of the supplementary shares given to newcomers.

It should be noted that Appendix 2 historical licensees will be limited to the supplementary shares to which they are entitled by virtue of their historical license and one other supplementary share of a particular cheese article. This is intended to increase the amount available for allocation to newcomers.

Less Than 85 Percent Use of Licenses

Eight entities offered comments on various provisions of the regulation which deal with less than 85 percent use of a license—some finding the penalties too harsh, others not harsh enough.

Five of the comments submitted focused specifically on the proposed August 1 surrender date for portions of quota shares which will not be used during the remainder of the quota year. All five felt August 1 was too early to make a decision on license use for the remainder of the year. To resolve the problem the October 1 date contained in Revision 6 is being retained, but a September 1–15 application period for extra license is being introduced to permit the Licensing Authority to make immediate reallocation upon receipt of the surrendered licenses. This should give importers receiving reallocated portions adequate time to use such portions before the quota year ends.

Another change from the proposed rule made in the interest of equity is the application of the penalty for less than

85 percent use of supplementary licenses to importers endorsed by foreign governments, as well as non-endorsed importers. This change was adopted in response to comments submitted to this effect.

The penalty for less than 85 percent use of a historical license has been modified in response to public comment.

Rather than automatically reducing the license to one half of its normal amount, it will be reduced to the amount imported during the previous quota year. This will prevent undue hardship on those firms which miss the 85 percent use rate by only a few percentage points while reducing to less than 50 percent those licenses which were used at less than the 50 percent rate.

Annual Licenses

One entity disagreed with the reasons favoring annual licenses stated in the supplementary information section of the proposed rule. The Licensing Authority feels that the combination of regulations implementing the price-undercutting provisions of section 702 of the Trade Agreements Act of 1979 (Pub. L. 96-39), the usual price disincentive to import during the flush period, and past experience indicating that the heaviest business takes place during the holiday season all serve to eliminate the need for utilizing a semi-annual licensing system. The resulting reduction in administrative burden will be substantial both for the importers and the Licensing Authority.

Endorsement of Preferred Importers by Exporting Countries

Sixteen entities submitted comments on the provision for endorsement of preferred importers by the governments of exporting countries. Comments on the matter were about equally divided. The Licensing Authority has examined the quantities available for such endorsement and is convinced that the endorsement provision will not distort competition but, on the contrary, in some cases, will tend to enhance competition. Periodic examination of the effects of the system over time will be conducted by the Department of Agriculture. Should revision of the regulation become necessary in order to improve this or any other provision, the Licensing Authority will, as it has in the past, propose such necessary revisions, allowing time for public comment. This final rule has been revised to ensure that endorsed importers comply with the provisions of the regulation, and effective with the 1981 quota year, that they meet the eligibility requirements of § 6.25(c).

Permitting the exporting country to designate importers for a certain proportion of the quota only allows it to maintain some of the prerogative it has enjoyed in the absence of quotas, i.e., to choose the business partner(s) in the United States with whom it would like to deal.

Authority to Adjust Licenses

Three entities commented on the authority found in § 6.30 to adjust the country of origin on licenses. The suggestion was made that if it can be satisfactorily shown to the Licensing Authority that an exporting country has been or is discriminating against a licensee with respect to price or availability, then the Licensing Authority should adjust the country of origin of the license or waive the penalty for less than 85 percent utilization. This has been incorporated into § 6.30, especially to eliminate a possible avenue for a supplying country to indirectly cause selected historical licensees to lose their eligibility.

In view of the fact that the provisions contained herein will affect the administration of the import licensing system for certain dairy products subject to quota imposed by Presidential Proclamation issued under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended, effective January 1, 1980, and since prompt implementation of the provisions is essential in order to carry out the terms of such Proclamation and issue licenses as near to January 1, 1980, as possible, it is found that good cause exists for not postponing the effective date of this final rule until 30 days after publication in the Federal Register (5 U.S.C. 552).

Accordingly, 7 CFR, Part 6, Subpart—Section 22 Import Quotas, § 6.20–6.32, Appendix 1 and Appendix 2 are amended as follows:

Subpart—Section 22 Import Quotas

- Sec.
- 6.20 Determination.
 - 6.21 Definitions.
 - 6.22 Prohibitions and restrictions on imports.
 - 6.23 Exceptions.
 - 6.24 Application for license.
 - 6.25 Eligibility.
 - 6.26 Allocation of annual quota and issuance of licenses.
 - 6.27 Use of licenses.
 - 6.28 Records and inspection.
 - 6.29 Suspension or revocation of eligibility.
 - 6.30 Adjustment of countries of origin.
 - 6.31 Delegation of authority.
 - 6.32 Superseding of Import Regulation 1, Revision 6.

Appendix 1—Articles subject to the historical and nonhistorical licensing provisions of Import Regulation 1, Revision 7,

and respective annual import quotas for each quota year.

Appendix 2—Articles subject to the historical and supplementary licensing provisions of Import Regulation 1, Revision 7, and respective annual import quotas for each quota year.

Authority: Sec. 3, Pub. L. 897, 80th Cong., 2nd Sess., 62 Stat. 1248, as amended (7 U.S.C. 624); secs 701, 703, Pub. L. 96–39, 93 Stat. 268, 272 (19 U.S.C. 1202 note); Part 3 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202).

Subpart—Section 22 Import Quotas

§ 6.20 Determination.

Part 3 of the Appendix to the Tariff Schedules of the United States, which contains the quantitative limitations on certain articles imported into the United States proclaimed by the President pursuant to Section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), provides that certain articles may be entered only by or for the account of a person or firm to which a license has been issued by or under the authority of the Secretary of Agriculture and only in accordance with the terms of such license as set forth in this regulation. Licenses are to be issued under regulations of the Secretary of Agriculture which he determines will, to the fullest extent practicable, result in the fair and equitable allocation among importers or users of the right to import articles subject to such quotas and facilitate the maximum utilization of the respective quotas for such articles, taking due account of any special factors which may have affected or may be affecting the trade in the articles concerned. It is hereby determined that the regulation will, to the fullest extent practicable, accomplish this result.

§ 6.21 Definitions.

Except where the context otherwise requires, the following terms have the meanings set forth in this section:

(a) "Affiliate" means any person or legal entity which owns or is owned by, in total or in part, directly or indirectly, or controls or is controlled by another person, persons or legal entity. For a corporation, ownership interest will be the controlling criterion. If 5 percent or more equity interest in the aggregate is owned or controlled in a corporation, partnership, estate, or trust by or for a person, a corporation, a partnership, or a beneficiary of an estate or a trust, the interest will be considered as owned or controlled by the person, partnership, corporation, estate or trust. Ownership interest in any person or legal entity may be attributed to another person or entity in accordance with § 6.25(b)(3), thereby causing the person or entity to whom the ownership interest has been

attributed to be defined as an "affiliate" even though such persons or legal entities have no direct relation with each other.

(b) "Annual Quota" means the quantity of an article which may be entered in a quota year as provided in Appendix 1 or Appendix 2.

(c) "Appendix 1" means Appendix 1 to this regulation. Definitions of articles in this appendix are the same as those provided in the Tariff Schedules of the United States.

(d) "Appendix 2" means Appendix 2 to this regulation. Definitions of articles in this appendix are the same as those provided in the Tariff Schedules of the United States.

(e) "Article" means any TSUS item referred to in Appendix 1 or Appendix 2.

(f) "Associate" means a party connected with one or more parties, formally or informally, directly or indirectly, with the common purpose of obtaining eligibility for additional licenses, one party intending to use, (and benefit economically from such use) directly or indirectly the licenses that the other may acquire. Two or more associates of a third party shall not be deemed to be associates of one another due to such third-party association only.

(g) "Authorized agent" means an agent as used in 19 CFR 141.31(a) for whom the licensee has filed with the District Director of Customs a limited power of attorney using Customs Form 5291 authorizing such agent to act for, but only in, the licensee's name.

(h) "Basic annual allocation" refers to historical quota shares only and means the quota share of a licensee for an article before any reduction as authorized under § 6.26(d) has been effected. It will be calculated on the basis of the annual average amount entered by a licensee during a predetermined representative base period.

(i) "Cheese or cheese products" means those cheeses and cheese products for which standards of identity have been promulgated by the Food and Drug Administration and/or which are encompassed within Part 133 of Title 21 (Food and Drugs) of the Code of Federal Regulation as of December 20, 1979.

(j) "Country of origin" and/or "Supplying country" mean the country in which the article subject to the regulation was produced or manufactured as defined under 19 CFR 134.1(b).

(k) "Date of entry" is the date when the specified Customs entry form is properly executed and deposited, together with estimated duties and any related documents required by law or regulation to be filed with such form at

the time of entry, with the appropriate Customs Officer.

(l) "Department" means the United States Department of Agriculture.

(m) "EC" means the nine European Community countries, viz., Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom, which for the purposes of this regulation shall be deemed as one country of origin.

(n) "Eligible applicant" means a person applying for a license to enter an article who has established, to the satisfaction of the Licensing Authority, eligibility to enter such article, in accordance with § 6.25.

(o) "Enter" means to make entry, or withdrawal from warehouse, for consumption by deposit with, and acceptance by, the appropriate Customs officer of the properly executed entry documents, including invoices, bills of lading and payment of estimated duties.

(p) "Entire dairy products business" means the total assets and operations of the foreign and domestic aspects of a business pertaining to articles subject to the provisions of this regulation.

(q) "Entrepreneurial use" means the processing or sale of the article entered pursuant to the license as a part of the ordinary conduct of business by a licensee who is managing and assuming the risk of such business. Such term does not include one who is functioning as a mere supplier of license.

(r) "Licensee" means any person to whom a license has been issued under the regulation.

(s) "Licensing Authority" means the Director, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, U.S. Department of Agriculture or any other officer or employee of the Department designated in writing as Acting Director in the absence of the Director.

(t) "Other countries" refers to countries sharing a common quota which are not listed as having separate quotas in Appendix 1 or Appendix 2, and for the purposes of the regulation are deemed as one country of origin.

(u) "Person" includes any individual, firm, corporation, partnership, association, or other legal entity. It also includes any national government (other than the Government of the United States and any agency thereof).

(v) "Postmark" means the postage cancellation mark applied by the U.S. Post Office showing the post office and date of mailing. This *does not* include metered postage affixed by the applicant or any other private entity.

(w) "Quota share" means that part of the annual quota of an article listed in

Appendix 1 or Appendix 2 for which a person is eligible.

(x) "Quota year" means the 12-month period beginning on January 1 of any given year.

(y) "Regulation" means the provisions contained in the Licensing Regulation of this subpart.

(z) "United States" means the Customs Territory of the United States, which is limited to the United States, District of Columbia and Puerto Rico.

§ 6.22 Prohibitions and restrictions on importers.

(a) No person may enter or cause to be entered any article listed in Appendix 1 or Appendix 2, except as provided in § 6.23 or as authorized by a license issued pursuant to this regulation.

(b) A person to whom a license has been issued hereunder is not relieved from compliance with any requirement of this regulation or any other applicable laws and regulations.

§ 6.23 Exceptions.

Licenses are not required for the entry of:

(a) Articles imported by or for the account of any agency of the U.S. Government.

(b) Articles with an aggregate value of not over \$25 in any shipment, if imported as samples for taking orders, for the personal use of the importer, or for research.

(c) Articles imported for exhibition, display or sampling at a trade fair, or for research, if written approval of the Licensing Authority is obtained.

§ 6.24 Application for license.

Applications to the Licensing Authority for the issuance of licenses to enter articles must be made in writing, addressed to the Head, Dairy and Import Group, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. Each letter of application must state the article (including the Part 3 TSUS Appendix classification number), the country of origin of the article, and, in the case of supplementary and nonhistorical licenses or licenses for portions allocated under paragraph (e) of § 6.26, the size of each quota share desired. Unpostmarked applications will not be approved by the Licensing Authority.

§ 6.25 Eligibility.

(a) *Historical Eligibility.* (1) Historical eligibility for licenses to enter quota shares of articles subject to quotas in effect as of November 22, 1978, the adjusted quantities of which are shown

in Appendix 1, has already been determined.

(2) Historical eligibility for licenses to enter quota shares of articles under Group V of Appendix 2, which prior to January 1, 1980 were not subject to quota, will be established upon submission by the importer of copies of broker's copies of official consumption entry or warehouse withdrawal for consumption records, Customs forms 7501 and 7505, showing the applicant as the importer of record or importer of account for entries made during the period July 1, 1978 through June 30, 1979 of cheese, cheese product or substitutes for cheese falling under TSUS Nos. 117.6035 (Swiss or Emmentaler), 117.6055, 117.7550, 117.8550 (Gruyere-Process), 117.7560, 117.8560 except soft-ripened cheese (Other cheese, NSPF, except soft-ripened cheese), and 117.7570 and 117.8570 (Other cheese, Lowfat). In order to assure consideration for 1980 licenses, such consumption entry or warehouse withdrawal documents should be mailed to the Licensing Authority no later than January 31, 1980. Copies of other than the broker's copy will only be accepted if it is established that, for reasons satisfactory to the Licensing Authority, the broker's copy is not available. The Licensing Authority may also require a copy of the invoice or other documentation showing that the importer was the owner of the article at the time entry was made and substantiating the type or variety of cheese entered. Such invoices should accompany an application for Appendix 2 historical licenses for TSUS items 117.7560 and 117.8560.

(3) Historical eligibility for license to enter a quota share of an article under Group II, III, or IV of Appendix 2 from a particular country of origin may be acquired only by persons eligible for a historical license to enter such article from such country of origin under Appendix 1.

(b) *Nonhistorical eligibility.* (1) Any person, who is not eligible under paragraph (a) of this section to receive a historical license to enter a particular article in Appendix 1 or Appendix 2, or has voluntarily surrendered such eligibility, who meets the requirements of this paragraph, will be eligible to obtain a nonhistorical license to enter a quota share of such article in Appendix 1.

(2) Nonhistorical eligibility for specific articles listed in Appendix 1 will be established upon submission of:

(i) A notarized certification sworn to by the applicant under penalty of perjury stating that: (A) Such person intends to be regularly engaged, during

the period covered by the license(s) for which application is made, in the business of manufacturing within the United States or entering such articles for his or her own entrepreneurial use and for this purpose will maintain a bonafide business office within the United States and have a person, principal or resident agent upon whom service of judicial process may be made; (B) such person intends to use any article entered pursuant to a license obtained hereunder in actual commerce and, when required will submit proof demonstrating the use to which licenses and the articles entered pursuant thereto have been made; (C) such person is not a part of or an affiliate of the business of any other person eligible for a license for the article(s) for which application for license is made, and is not an officer, member, partner, associate, or employee of the business of such other person;

(i) A list of the person(s) holding an ownership interest of 5 percent or more in the applying firm (if other than an individual) showing the percent of ownership held by each such person, and;

(ii) In addition, in the case of application for license(s) to enter any article(s) under Groups II through V (cheese), documentary evidence that such person has made at least two commercial entries of cheese or cheese products together totaling at least 10,000 pounds, as owner of the product and importer of record, or is listed in the most current issue of "Dairy Plants Surveyed and Approved for USDA Grading Service" and has manufactured in his or her own plant 100,000 pounds or more of cheese or cheese product within the United States, during the 12 month period ending August 1 of the year preceding that for which application for license is being made, including, when required, proof of payment in said person's own name for the said entered cheese or cheese products and corresponding duties.

(3) In determining whether persons or legal entities having no direct relation are, for purposes of this regulation, affiliated, the following rules of attribution apply:

(i) Members of a family: Unless established otherwise to the satisfaction of the Licensing Authority, an individual shall be considered as owning the stock or other ownership interest owned, directly or indirectly, by or for (A) a spouse (other than a spouse legally separated from the individual under a decree of divorce or separate maintenance), and (B) children, grandchildren, parents, brothers and sisters.

(ii) Attribution from partnerships and estates: Stock or other ownership interest owned, directly or indirectly, by or for a partnership or estate shall be considered as owned proportionately by its partners or beneficiaries.

(iii) Attribution from trusts. (A) Stock or other ownership interest owned, directly or indirectly, by or for a trust (other than an employees' trust) shall be considered as owned by its beneficiaries in such trust. (B) Stock or other ownership interest owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under subpart E of part I of subchapter J of the Internal Revenue Code (relating to grantors and others treated as substantial owners) shall be considered as being owned by such person.

(iv) Attribution from corporations: If five percent or more in value of the stock or other ownership interest in a corporation is owned, directly or indirectly, by or for any person, such person shall be considered as owning the stock or other interest owned, directly or indirectly, by or for such person.

(v) Attribution to partnerships and estates: Stock or other ownership interest owned, directly or indirectly, by or for a beneficiary of a trust (other than an employees' trust) shall be considered as owned by the trust, unless such beneficiary's interest in the trust is a remote contingent interest. For purposes of this clause, a contingent interest of a beneficiary in a trust shall be considered remote if, under the maximum exercise of discretion by the trustee in favor of such beneficiary, the value of such interest, computed actuarially, is five percent or less of the value of the trust property. Stock or other ownership interest owned, directly or indirectly, by or for a person who is considered the owner of any portion of a trust under subpart E of part I of subchapter J of the Internal Revenue Code (relating to grantors and others treated as substantial owners) shall be considered as owned by a trust.

(vi) Attribution to corporations: If five percent or more in value of the stock or other ownership interest of a corporation is owned, directly or indirectly, by or for any person, such corporation shall be considered as owning the stock or other ownership interest owned, directly or indirectly, by or for such person.

(vii) Options: If any person has an option to acquire stock or other ownership interest, such stock or other ownership shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an

option, and each one of a series of such options, shall be considered as an option to acquire such stock or ownership interest.

(viii) Operating Rules: (A) In general: Except as provided in paragraph (b)(3)(viii)(B) and (C) of this section, stock or other ownership interest constructively owned by a person by reason of the application of paragraph (b)(3) (i), (v), (vi), or (vii), shall for purposes of applying paragraph (b)(3) (i), (v), (vi), and (vii) be considered as actually owned by such person.

(B) Members of a family: Stock or other ownership interest constructively owned by an individual by reason of the application of paragraph (b)(3)(i) of this section shall not be considered as owned by him or her for purposes of again applying paragraph (b)(3)(i) of this section in order to make another the constructive owner of such stock or ownership interest.

(C) Partnerships, estates, trusts, and corporations: Stock or ownership interest constructively owned by a partnership, estate, trust or corporation by reason of the application of paragraph (b)(3) (v) and (vi) of this section shall not be considered as owned by it for purposes of again applying paragraph (b)(3) (ii), (iii) and (iv) of this section in order to make another the constructive owner of such stock or ownership of interest.

(D) Option rule in lieu of family rule: For purposes of this paragraph, if stock or other ownership interest may be considered as held by an individual under paragraph (b)(3) (i) or (vii) of this section, it shall be considered as held by him under paragraph (b)(3)(viii) of this section.

(4) Evidence and certification required to establish the nonhistorical eligibility of a person making application to receive a quota share for a given quota year shall not be approved by the Licensing Authority if postmarked before August 1 or later than November 1 of the year preceding the quota year for which the license to import is requested, except as may otherwise be provided by notice published in the Federal Register.

(c) *Supplementary licenses.* (1) Supplementary license eligibility for specific articles listed in Appendix 2 will be established (i) by submission of documentary evidence acceptable to the Licensing Authority as required under paragraph (b) (2) and (4) of this section or; (ii) by application by a person having historical eligibility under paragraph (a) (2) and (3) of this section for the article from the country of origin for which such person is seeking supplementary license or (iii) by being endorsed in writing by

the government of the supplying country as a preferred importer, with such endorsement being sent directly from the government of the supplying country through appropriate channels to the Licensing Authority and, beginning with the 1981 quota year, by meeting one or both of qualifications (c)(1) (i) and (ii) of this section. Endorsement by the government of a supplying country of a person who is known by the Licensing Authority to have at any time violated any provision of this or any other regulation or law of the United States applicable to international commerce will not be recognized by the Licensing Authority.

(2) Notwithstanding paragraph (b)(4) of this section, certification required to establish supplementary license eligibility for 1980 licenses must be submitted to the Licensing Authority during the 21-day period ending January 31, 1980.

(d) *Continuation of eligibility.* (1) The historical eligibility of a person to receive a license for a quota share established under paragraph (a) of this section will be continued for subsequent quota years unless surrendered in accordance with paragraph (d)(4) of this section or suspended or revoked pursuant to § 6.29: *Provided*, That, no such licenses shall be issued to any licensee unless such licensee, no later than 60 days prior to the beginning of each subsequent quota year submits to the Licensing Authority a notarized certification sworn to by the licensee under the penalty of perjury stating that such licensee maintains a bonafide business office within the United States and has a person, principal or resident agent upon whom service of judicial process may be made; that such licensee has been the sole user of his or her license(s); that such licensee has not permitted his or her license(s) to be used by or for any other person; that such licensee has not entered any article(s) under license(s) issued to any other person(s); and, that such licensee will enter only for his or her own entrepreneurial use the articles for which he or she will be issued license(s) during the next quota year.

(2) The nonhistorical or supplementary eligibility of a person established under paragraph (b) or (c) of this section to enter a quota share of an article for a particular quota year will expire at the end of such quota year. Eligibility for each ensuing year, if desired, must be established by following the procedures set forth in paragraph (b) or (c) of this section.

(3) Any licensee who fails to enter at least 85 percent of a particular nonhistorical or supplementary quota

share for any article for a given year will be ineligible to have such nonhistorical or supplementary quota share renewed for the next quota year, unless such licensee notifies the Licensing Authority in a letter postmarked no later than October 1 of the quota year for which his license is valid, of his intentions to enter less than 85 percent of his quota share and surrenders to the Licensing Authority that portion of the quota share which he or she does not intend to use. If, after surrendering a portion of a nonhistorical or supplementary quota share of an article, a licensee fails to import 85 percent or more of the unsurrendered portion of the quota share, such licensee will be ineligible to receive a license to import a quota share of such article in the next quota year, unless the licensee establishes that he or she was unable to enter such article due to reasons acceptable to the Licensing Authority.

(4) A historical licensee may elect to permanently surrender his or her historical eligibility for an article in Appendix 1 and receive a nonhistorical quota share for the same article from the same country of origin in the next quota year. If done, said licensee's nonhistorical eligibility will be deemed to have been in effect in the year preceding the year for which nonhistorical application is made giving said licensee the priority accorded under § 6.26(b)(2) (ii) and (iv) below.

(e) *Transfer of eligibility.* (1) Upon receipt of documentary evidence acceptable to the Licensing Authority that the entire dairy products business covered by this regulation of a person who has established historical eligibility for a quota share has been sold or otherwise transferred (a complete transfer of total assets, binding on all parties-in-interest) to a person who is assuming the operation of the entire business involving dairy products covered by this regulation, the Licensing Authority will recognize the successor-in-interest as having eligibility for such quota share: *Provided*, That, in the event of the merger of the businesses of two or more persons, the successor-in-interest, with the persons or firms for which said person is successor-in-interest and said person's affiliates and associates, will be considered only as one person for the purpose of determining nonhistorical or supplementary license eligibility for quota shares. Eligibility for nonhistorical or supplementary quota shares may not be transferred.

(f) The Licensing Authority may, on an annual basis, require submission of signatures of the person(s) authorized to sign for a licensee.

§ 6.26 Allocation of annual quota and issuance of licenses.

(a) *Historical licenses.* (1) Subject to paragraph (d) of this section (concerning temporary reduction of historical quota share), and paragraph (d)(1) of § 6.25 (concerning continuation of eligibility), a person, or his or her successor-in-interest, eligible to receive a historical quota share for an article in Appendix 1 will receive his or her basic annual allocation plus a prorated share of the portion derived from temporary reductions of historical quota shares (done under paragraph (d) of this section) of other historical licensees for the same article in Appendix 1.

(2) Subject to paragraph (d) of this section and paragraph (d)(1) of § 6.25, a person, or his or her successor-in-interest, eligible to receive a historical quota share for an article in Appendix 2 will receive his or her basic annual allocation, but portions of quota shares of articles in Appendix 2 derived from temporary reductions of historical quota shares (done under paragraph (d) of this section) will, to the extent practicable, be allocated as supplementary quota shares in accordance with the provisions of paragraph (c) of this section.

(3) Subject to paragraph (d) of this section and paragraph (d)(1) of § 6.25, a person, or his or her successor-in-interest, who is eligible to receive a historical quota share for an article in Group II, III, or IV of Appendix 1 from a particular country of origin will receive a prorated historical quota share for such article from such country of origin in Appendix 2. A person who has established historical eligibility in accordance with the requirements of § 6.25(a)(2) for an article from a particular country in Group V of Appendix 2 will receive a prorated historical quota share for such article from such country. *Provided*, That, in no case shall more than 50 percent of any quota for any particular country in Appendix 2 be allocated on a historical basis; and no licensee may receive a historical quota share for an article in Group V of Appendix 2 from a particular country of origin which exceeds in size the quantity of such article entered free of quota from such country of origin by such licensee during the period July 1, 1978 through June 30, 1979.

(4) Subject to paragraph (d) of this section and paragraph (d)(1) of § 6.25, a person, or his or her successor-in-interest, who is eligible to receive a historical quota share for an article in Group V of Appendix 1 from a particular country of origin for which entries during the base period were equal to or less than 2 percent of the quota amount

in Appendix 2 for such article from such countries of origin, will receive a historical quota share in Appendix 2 for such article from such country, but in no case shall such person receive a historical quota share for such article from such country in Appendix 2 which is greater in size than 50 percent of his or her basic annual allocation for such article from such country in Appendix 1.

(5) Historical licensees for articles classified under item 950.10D from "Other Countries" in Appendix 1 who can show proof satisfactory to the Licensing Authority that their quota shares for this quota were based on entries of an article for which Australia was the supplying country, may, upon written request, have the country of origin for such quota share(s) permanently changed from "Other Countries" to "Australia."

(6) Where loss of historical licenses has occurred as a result of elimination of a particular quota from a particular country of origin, during the Tokyo Round of Multilateral Trade Negotiations, the Licensing Authority may, to the extent practicable, compensate the affected licensees with equal but not larger historical shares from other quota from the same or another country. Shifts in historical licenses granted for this reason shall be done with the intent of avoiding any adverse impact on eligibility for or the sizes of other historical or non-historical licenses granted to such licensees.

(b) *Nonhistorical licenses (pertaining only to articles in Appendix 1).* (1) The annual quotas in Appendix 1, less the quantities allocated to historical licensees, will, to the extent practicable, be allocated among eligible nonhistorical applicants. Subject to paragraph (b)(3)(ii) of this section, the minimum annual nonhistorical quota share for each article will be as follows:

Article	TSUS Item No.	Minimum quantity (pounds)
Dried buttermilk and whey.....	950.01	2,500
Dried skimmed milk.....	950.02	5,000
Dried whole milk.....	950.03	1,000
Dried cream.....	950.04	250
Butter.....	950.05	1,000
Blue-mold cheese.....	950.07	5,000
Cheddar cheese.....	950.08A	10,000
American-type cheese.....	950.08B	10,000
Natural Edam and Gouda cheese.....	950.09A	7,000
Processed Edam and Gouda cheese.....	950.09B	5,000
Italian-type cow's milk cheese in original loaves.....	950.10	5,000
Italian-type cow's milk cheese in other than original loaves.....	950.10A	5,000
Swiss or Emmenthaler cheese with eye formation.....	950.10B	10,000
Swiss or Emmenthaler cheese other than eye formation, "Gruyere-Process".....	950.10C	10,000
"Other" cheese, NSPF.....	950.10D	40,000
"Other" cheese, "low fat".....	950.10E	10,000
Malted milk.....	950.11	250

(2) A person with his or her affiliate(s) and associate(s) will be considered only as one person for the purpose of allocation of nonhistorical quota shares. A person with historical eligibility for an article in Appendix 1 or Appendix 2 may not qualify for a nonhistorical quota share for the same article in Appendix 1, except where nonhistorical eligibility for a particular article was established and maintained prior to the awarding of Appendix 2 historical eligibility.

(3) A nonhistorical quota share (referring only to articles in Appendix 1) will be determined on the following basis:

(i) If, after applications for nonhistorical eligibility for a quota year have been evaluated, the Licensing Authority determines that the number of eligible applicants who held a nonhistorical license for an article in Appendix 1 from a particular country of origin during the previous quota year exceeds the number which could be issued a quota share at the minimum quantity set forth above, the Licensing Authority will determine the quota shares by dividing the amount available by the number of such eligible applicants.

(ii) If the Licensing Authority determines that the number of eligible applicants for a quota year who held a nonhistorical license for an article from a particular country of origin during the previous year plus the number of eligible applicants who did not hold a nonhistorical license for such article from such country of origin during such year is less than the number which could be issued a quota share at the minimum quantity, the Licensing Authority will determine the quota shares by dividing the amount available by the number of such eligible applicants, subject to provisions in § 6.26 (b)(4).

(iii) If the number of eligible applicants for a quota year who held a nonhistorical license for an article from a particular country of origin during the previous year plus the number of eligible applicants who either did not hold a nonhistorical license for such article from such country of origin during such year or did not hold any nonhistorical license for such article exceeds the number which could be issued a quota share at the minimum quantity, the Licensing Authority will first issue quota shares at the minimum quantity to each of the eligible applicants who held a nonhistorical license for such article from that particular country of origin during the previous year, secondly, issue quota shares at the minimum quantity to

eligible applicants who held a nonhistorical license for such article from a different country of origin during the previous year, and thirdly, issue quota shares at the minimum quantity to eligible applicants who did not hold a nonhistorical license for such article during the previous year, until all available quota shares are issued. Selection of eligible applicants in the latter two groups shall be made on the basis of the date of postmark of the application received pursuant to § 6.24 of the regulation.

(4) Subject to paragraph (b)(3)(i) of this section, quota shares for an article may not be smaller than the applicable minimum quantity set forth above unless requested in writing by the applicant, but in no case shall the quota share be greater than the quantity requested by the applicant.

(c) *Supplementary Licenses* (pertaining only to articles in Appendix 2):

(1) A person with his or her affiliate(s) and associate(s) will be considered only as one person for the purpose of allocation of supplementary quota shares. No more than one supplementary quota share of an article from each specific country of origin listed for such article in Appendix 2 will be issued to any such person. No licensee with a historical license for a particular article in Appendix 2 from a particular country of origin, however, may receive more than one supplementary share in addition to the matching supplementary share(s) for such article for which such person is eligible under paragraph (c)(2)(i) of this section. However, in cases where the Licensing Authority deems it necessary to make additional allocations in order to fully allocate a quota, such additional allocations may only be made after all eligible persons have been notified and given an opportunity to apply. Such notification will not be necessary for the reallocation of surrendered licenses covered by paragraph (e)(3) of this section.

(2) A supplementary quota share for an article in Appendix 2 from the EC will be determined on the following basis:

(i) Subject to paragraph (c)(1) of this section, the size of supplementary quota share issued to an eligible applicant for a specific article in Appendix 2 shall not exceed (A), for applicants who have historical quota shares in Appendix 2 from the EC for such article: An amount equal to the amount of the applicant's Appendix 2 historical quota share, or, to the extent practicable, the difference between the applicant's Appendix 2 historical quota share for such article and the amount of each supplementary

quota share for such article allocated to applicants who have no Appendix 2 historical quota share for such article, whichever is larger; (B), for applicants who have no such historical quota shares: 110,000 pounds.

(ii) If, after applications for supplementary licenses have been evaluated and tabulated, the Licensing Authority determines that eligible applicants for shares of a particular quota for an article in Appendix 2 from the EC have appropriately requested amounts which together exceed the amount available for allocation, the Licensing Authority shall first assign quota shares of not less than the minimum share as indicated below to each applicant and then pro-rate the remaining portion of that available for allocation among them, based on each applicant's basic annual allocation for such quota in Appendix 2 from the EC, or on the minimum share assigned, whichever is greater. The minimum share shall be as follows:

(A) 5,000 pounds where the total poundage available for supplementary licenses is less than 500,000 pounds;

(B) 20,000 pounds where the total poundage available for supplementary licenses is over 500,000 pounds but less than 1,000,000 pounds;

(C) 36,000 pounds where the total poundage available for supplementary licenses is over 1,000,000 pounds.

(iii) If, after applications for supplementary licenses have been evaluated and tabulated, the Licensing Authority determines that the number of eligible applicants for a share of a quota for a particular article in Appendix 2 from the EC exceeds the number which could be assigned the minimum share each, the Licensing Authority may eliminate individual applications based on date of postmark and then, where necessary, other fair and equitable criteria. A single quota share for a particular article of less than the minimum may be issued, if appropriate, to facilitate full allocation of a particular quota.

(3) A supplementary quota share for an article in Appendix 2 from a particular country of origin other than the EC will be determined on the following basis:

(i) Eligible applicants whose applications have been endorsed in writing by an appropriate official of the government of the supplying country, which written endorsement is submitted directly from such government through appropriate channels to the Licensing Authority, shall receive first priority in allocation. Written endorsements shall also include the names and addresses of applicants endorsed and the quota

article(s), including the amount(s), endorsed for each such applicant.

(ii) To the extent practicable, an eligible applicant whose application has been endorsed by the government of the supplying country as set forth in paragraph (c)(3)(i) of this section shall be awarded the full amount for which he or she has been endorsed. If eligible applicants whose applications have been endorsed by the government of the supplying country as set forth in paragraph (c)(3)(i) of this section request an aggregate amount of a specific quota from a specific country (not the EC) smaller than is available for allocation, or if no endorsement is made, the Licensing Authority shall allocate remaining portions among applicants who have not been endorsed, following a procedure identical to that set forth in paragraph (c)(2) of this section for the EC, replacing, for this purpose, the words "the EC" wherever they appear with "a particular non-EC country."

(iii) If an endorsed licensee surrenders his or her endorsed quota share, or a portion thereof, under the provisions of paragraph (d)(2) of this section, the endorsing country may, by a new written endorsement, designate another importer for such portion or share.

(d) *Temporary reduction of historical quota share.* (1) Subject to provisions of paragraph (e) of this section, the historical quota share for any article in Appendix 1 or Appendix 2, which is not entered by its holder at the rate of 85 percent or more during a calendar year will be reduced in the following quota year, unless such licensee establishes that he or she was unable to enter such article due to reasons acceptable to the Licensing Authority. Such reduced historical quota share will be equal to the amount imported during the preceding quota year. *Provided, That,* once such reduced quota share has been established, the quota share of the licensee in the following quota year will be restored to its full basic annual allocation if the licensee enters 85 percent or more of the reduced quota share during the quota year when it was established.

(2) Notwithstanding the above, a licensee may, in a letter postmarked no later than October 1 of a quota year, voluntarily surrender without penalty that portion of a historical quota share for any article in Appendix 1 or Appendix 2 which he or she does not intend to use. Any temporary reduction of a historical quota share will be based on the percentage used of that portion of such quota share which was not surrendered before October 1 of the preceding quota year.

(e) *Temporary reallocation of quota shares.* (1) Notwithstanding any other provisions of this regulation, to the extent that, between June 1 and October 1, it appears from information submitted to the Licensing Authority or otherwise, that all or part of a quota share of a particular licensee for an article from a particular country of origin will not be entered during that quota year, the Licensing Authority may require such licensee to submit in writing within a specified 21 day period a statement as to the amount of the unused portion of such quota share which will be used during the remainder of such quota year. In addition, such licensee may be required to submit copies of contracts, purchase orders or any other documentary evidence of intent to import against the unused portion of such quota share. If the licensee fails to submit such statement (including documentary evidence, if requested) within the specified period, the Licensing Authority may conclude that the unused portion of the quota share in question will not be used during the remainder of said quota year. On the basis of said statement, or if no statement is submitted, the Licensing Authority may reallocate all or part of the unused portion of such quota share.

(2) To the extent that the quota shares or portions thereof are surrendered under § 6.25(d)(3) (pertaining to nonhistorical and supplementary quota shares), § 6.26(d)(2), (pertaining to historical quota shares), or paragraph (e)(1) of this section by licensees for articles during a quota year, the quota shares for other licensees will be increased for such year as follows:

(i) Reallocation will be made among applying licensees from such article from such country of origin on the basis of the amounts requested by the applicants, unless the aggregate of the amounts requested exceeds the portion of the quota available for reallocation, in which case each applicant will be granted an appropriate minimum amount and any excess will then be allocated on the basis of the respective amounts of such articles entered by such licensees from such country of origin during the previous two quota years. However, no applicant may receive more than the amount he or she requests.

(ii) If, after a surrendered quota share is reallocated among licensees who hold a nonreduced license for such quota and apply for a portion of the reallocation, unallocated quantities of the quota still remain, such quantities may be allocated to other non-affiliated and non-associated applicants who have

historical or nonhistorical eligibility for any quota under the regulation for the remainder of the quota year in question. Quota shares allocated to such other applicants under this provision will be made in equal amounts of not less than 2,500 pounds each; except in the case of quota items the quota amounts for which are less than 10,000 pounds, which quota items will be allocated in equal shares of not less than 250 pounds each; except that no applicant will receive more than the amount requested in his or her application.

(3) Application for a reallocated portion will not be valid unless made in accordance with § 6.24 and postmarked during the period September 1-15 of the quota year in which reallocation is being considered.

(4) Any temporary reduction in a historical quota share (in accordance with paragraph (d) of this section) will be based on the percentage used of the portion of such quota share which was not surrendered for reallocation during the preceding quota year.

(f) *Interim Appendix 2, 1980 Historical Licenses.* The Licensing Authority may, where deemed necessary by the Licensing Authority issue partial interim 1980 licenses for an article from a particular country in Appendix 2, particularly to persons who have no Appendix 1 license for such article from such country. *Provided,* That such licenses are issued on the basis of documents submitted pursuant to notice in the Federal Register of August 16, 1979 (44 FR 47969), and the amounts issued are deducted from the final 1980 Appendix 2 licenses for such article from such countries.

§ 6.27 Use of licenses.

(a) The article entered must be a product of the country of origin specified in the license under which it is entered.

(b) Subject to § 6.30, a quota share may be imported from only one country of origin.

(c) Notwithstanding any other rules, regulations, or procedures for the importation of goods, the article entered under license may be entered or withdrawn from warehouse only in the name of the licensee either by the licensee or by the licensee's agent acting in the licensee's name under the power of attorney, and the quantity so entered must, on the date of entry, be owned by the licensee and must be charged against the license in effect. The article entered under license must be accompanied by:

(1) an invoice from a seller in the country of origin to a purchaser in the United States and a through bill of

lading from the country of origin to the United States, or,

(2) if the seller is not located in the country of origin, a through bill of lading from the country of origin to the United States and a certificate of origin issued in the country of origin which shall indicate the United States as the destination of the merchandise and state the quantity and description of the merchandise in the shipment. *Provided,* That, these requirements as well as those in paragraph (c)(1) of this section may be temporarily waived by the Licensing Authority upon his or her determination that compliance therewith, during periods of strikes, lockouts, or other such emergencies, affecting the importation of articles would interfere with the entry of such articles.

(d) In the event of a sale in transit, an article may be entered for consumption under a license issued to an authorized person to whom the sale has been made against a properly endorsed through bill of lading and a certified copy of the bill of sale from the original consignee showing the amount paid, the date of purchase, and the licensee as the owner of the article at such time.

(e) In the event of the loss of the original through bill of lading, a carrier's certificate showing the licensee as consignee and certifying that the shipment is a through shipment may be substituted therefor.

(f) An article may be entered from bonded warehouse only in the manner prescribed above for consumption entries. In the event of sale while in bonded warehouse, entry may be made under license issued to an authorized person or firm to whom the sale has been made and only upon the presentation of a properly endorsed Customs Form 7505 and a certified copy of the bill of sale, showing the amount, date of sale, and that the licensee is the owner of the article at such time.

(g) Consolidated entries or withdrawals from warehouse for consumption may not be made except with the written approval of the Licensing Authority.

(h) Each entry or withdrawal from warehouse for consumption must be accompanied by a copy of Customs entry Form 7501 or Customs warehouse withdrawal Form 7505 (with the appropriate license number noted on it), required through bill of lading and required invoice. The Customs Service will stamp the copy of the completed form 7501 or 7505 with the date of entry and the Customs entry or withdrawal number and submit it to the Licensing Authority as soon as practicable.

§ 6.28 Records and inspection.

Any person making an entry, except as provided in § 6.23, of an article listed in either Appendix 1 or Appendix 2 is required to retain all records, including invoices of all purchases, entries, withdrawals, sales and deliveries of such articles for a period of not less than 2 years subsequent to the end of the quota year during which entry was made. The Licensing Authority or his or her designee is entitled to make such audit and inspection of such records, to inspect the premises and stocks of articles of such person, and to make such other investigations as may be necessary or appropriate in the enforcement or administration of the regulation.

§ 6.29 Suspension or revocation of eligibility.

(a) *Failure to import quota share—(1)* If the Licensing Authority has reason to believe that a person with a historical quota share for any article has failed to enter any of such article for two consecutive quota years, or three nonconsecutive quota years within a five year period, the eligibility of such person for a historical license to enter such article will be suspended for the following quota year pending receipt by the Licensing Authority of documentary evidence of entry against such quota share during one or more of said years, unless the reason for failure to enter is acceptable to the Licensing Authority and an application to receive a license to import such article is received and approved by the Licensing Authority no later than 3 months after the beginning of such following quota year.

(2) If the Licensing Authority determines that a person with a historical quota share for any article has failed to import any of such article during two consecutive years, or three non-consecutive years within a five year period, the eligibility of such person will be revoked unless the licensee establishes that he or she was unable to import such article due to extraordinary circumstances acceptable to the Licensing Authority.

(b) *Violations of the regulation—(1) Charge against licenses.* Any quantity of an article entered by any person contrary to this regulation may be charged against any unused import license held by, or to be issued to, such person.

(2) *Civil and criminal liability.* Any person who violates any provision of the regulation may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or enjoin any violation of any provision of, the

regulation or requirement pursuant hereto.

(3) *Revocation of license eligibility.* The Licensing Authority, upon reasonable cause to believe—after records are reviewed and a preliminary investigation is made by the Department—that a licensee has violated the provisions of the regulation or has furnished false or incomplete information in connection with the application for or use of licenses issued hereunder, may, after notice to the licensee, revoke said licensee's eligibility (a permanent revocation of historical eligibility) and may bar such person from receiving any supplementary or nonhistorical licenses for a period of not more than three years. Any person whose eligibility has been revoked pursuant to provisions of this section will have the opportunity to appeal the determination to the Administrator, Foreign Agricultural Service (FAS), or his designee within 30 days from the date of notification. The request for reconsideration will be presented in writing separately stating any reason as to why such determination should not stand. The Administrator, FAS will provide such person with an opportunity for a hearing on such matter.

§ 6.30 Adjustment of countries of origin.

(a) Upon submission by a licensee of proof satisfactory to the Licensing Authority that said licensee will be unable to enter during a quota year his or her quota share of an article from the country of origin specified in his or her license, the Licensing Authority or his or her designee may authorize the licensee and other licensees similarly situated after taking due account of any special factors which may have affected or may be affecting the trade in the article concerned, to obtain the unfilled portion of their quota shares of such article from:

(1) Other countries specified in Part 3 of the Appendix to the Tariff Schedules of the United States as countries of origin for such article;

(2) Any country of origin (global) whenever countries of origin for such article are not specified.

(b) In the event that it is shown to the satisfaction of the Licensing Authority that the country of origin discriminates against a licensee as to either price or availability of an article, the Licensing Authority shall not impose any penalties with respect to failure to use 85% or more of his or her quota share during such quota year and/or the Licensing Authority may adjust the country of origin.

§ 6.31 Delegation of Authority.

The powers vested in the Administrator, FAS, insofar as such powers relate to the functions vested in the Licensing Authority by this regulation are hereby delegated to the Licensing Authority.

§ 6.32 Superseding of Import Regulation 1, Revision 6.

This regulation will supersede the provisions of Import Regulation 1, Revision 6, as amended, heretofore in effect. With respect to violations, rights accrued, liabilities incurred, or appeals taken concerning Import Regulation 1, as amended and revised, prior to the effective date hereof, all provisions of said Import Regulation 1, as amended and revised, in effect at the time when such violations occurred, rights accrued, liabilities incurred, or appeals taken will be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

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Subtitle A--Office of the Secretary of Agriculture

Appendix 1-Articles¹ subject to the historical and nonhistorical licensing provisions of Import Regulation 1, Revision 7, and respective annual Import Quotas for each Quota year

Article ¹ by TSUS item number	Annual historical/ nonhistorical quota (kilograms)	Equivalent Whole Pounds
Group I:		
(a) Butter (Item 950.05).....	320,693	707,000
EC.....	96,162	212,000
New Zealand.....	150,594	332,000
Other countries.....	73,936	163,000
(b) Dried cream (Item 950.04).....	226	500
(c) Malted milk (Item 950.11).....	2,721	6,000
(d) Dried whole milk (Item 950.03).....	3,175	7,000
(e) Dried skimmed milk (Item 950.02).....	819,649	1,807,000
(f) Dried buttermilk and whey (Item 950.01)..	224,984	496,000
Group II:		
(a) Edam and Gouda cheese (Item 950.09A).....	4,177,001	9,208,615
EC.....	4,011,000	8,842,650
Argentina.....	125,000	275,575
Sweden.....	41,000	90,388
Other countries.....	1	2
(b) Cheese and substitutes for cheese containing, or processed from Edam and Gouda cheese (Item 950.09B).....	1,429,000	3,150,373
EC.....	1,237,000	2,727,090
Norway.....	167,000	368,168
Other Countries.....	25,000	55,115
(c) Blue-mold cheese (except Stilton made in England), and cheese and substitutes for cheese containing or processed from Blue-mold cheese (Item 950.07).....	2,257,001	4,975,784
EC.....	2,255,000	4,971,373
Argentina.....	2,000	4,409
Other countries.....	1	2

See footnotes at the end of table.

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Group III:

(a) Cheddar cheese, and cheese and substitutes for cheese containing or processed from		
Cheddar cheese (Item 950.08A).....	3,667,889	8,086,226
EC.....	263,000	579,809
Australia.....	769,000	1,695,337
New Zealand.....	2,496,000	5,502,681
Other Countries.....	139,889	308,399
(b) American-type cheese, including Colby, washed curd, and granular cheese (but not including cheddar) and cheese and substitutes for cheese containing, or processed from such		
American-type cheese (Item 950.08B),.....	2,708,556	5,971,281
EC.....	254,000	559,968
Australia.....	762,000	1,679,905
New Zealand.....	1,524,000	3,359,810
Other Countries.....	168,556	371,598

Group IV:

(a) Italian-type cheeses made from cow's milk, in original loaves. (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz) (Item 950.10).....		
EC.....	4,863,001	10,720,968
Argentina.....	1,763,000	3,886,709
Other Countries.....	3,100,000	6,834,260
Other Countries.....	1	2
(b) Italian-type cheeses made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz, and Goya) and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves (Item 950.10A).....		
EC.....	671,000	1,479,285
Argentina.....	47,000	103,616
Other Countries.....	611,000	1,347,010
Other Countries.....	13,000	28,659

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Group V

(a) Swiss or Emmenthaler cheese with eye formation (Item 950.10B).....	9,260,276	20,415,204
EC.....	1,767,000	3,895,528
Austria.....	3,729,000	8,220,953
Finland.....	2,772,000	6,111,151
Israel.....	27,000	59,524
Norway.....	758,000	1,671,086
Switzerland.....	122,000	268,961
Other Countries.....	85,276	187,999
 (b) Swiss or Emmenthaler cheese other than with eye formation. Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from such cheese (Item 950.10C).....	5,061,833	11,159,314
EC.....	2,478,000	5,462,998
Austria.....	638,000	1,406,534
Finland.....	728,000	1,604,948
Portugal.....	125,000	275,575
Switzerland.....	1,013,000	2,233,259
Other Countries.....	79,833	176,000
 (c) Cheese and substitutes for cheese provided for in Items 117.75 and 117.85, part 4C, schedule 1 (except cheese not containing cow's milk; cheese, except cottage cheese, containing 0.5 percent or less by weight of butterfat), and articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States (Item 950.10D).....	18,392,859	40,548,891
EC.....	10,621,000	23,415,056
Austria.....	90,000	198,414
Canada.....	1,141,000	2,515,448
Finland.....	562,000	1,238,985
Iceland.....	294,000	648,152
Israel.....	66,000	145,503
New Zealand.....	3,427,000	7,555,164
Norway.....	150,000	330,690
Poland.....	936,224	2,063,999
Portugal.....	103,000	227,073
Sweden.....	774,000	1,706,360
Switzerland.....	98,000	216,050
Other Countries.....	130,635	287,997

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(d) Cheese and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, Part 4, schedule 1, except articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States

(Item 950.10E).....	4,008,001	8,836,038
EC.....	3,777,000	8,326,774
Australia.....	56,000	123,457
Poland.....	175,000	385,805
Other Countries.....	1	2

Subtitle A--Office of the Secretary of Agriculture

Appendix 2--Articles¹ subject to the historical and nonhistorical licensing provisions of Import Regulation 1, Revision 7, and respective annual Import Quotas for each Quota year

Article ¹ by TSUS item number	Annual historical/ nonhistorical quota (kilograms)	Equivalent Whole Pounds
Group II:		
(c) Blue-mold cheese (except stilton made in England), and cheese and substitutes for cheese containing, or processed from Blue-mold cheese (Item 950.07) EC.....	224,000	493,830
Group III:		
(a) Cheddar cheese; and cheese and substitutes for cheese containing, or processed from Cheddar cheese (Item 950.08A)..... New Zealand..... Australia.....	1,035,000 604,000 431,000	2,281,760 1,331,578 950,182
(b) American-type cheese, including Colby, washed curd, and granular cheese (but no including Cheddar) and cheese and substitutes for cheese containing, or processed from such American-type cheese (Item 950.08B).... New Zealand..... Australia.....	714,000 476,000 238,000	1,574,083 1,049,389 524,694
Group IV:		
(a) Italian-type cheese made from cow's milk, in original loaves. (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz) (Item 950.10) Argentina.....	750,000	1,653,450

See footnotes at the end of table.

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(b) Italian-type cheeses made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provoloni, Provolette, Sbrinz, and Goya) and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves (Item 950.10A)

Argentina.....	32,000	70,547
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Group V

(a) Swiss or Emmenthaler cheese with eye formation (Item 950.10B).....

EC.....	22,595,000	49,812,934
Argentina.....	4,233,000	9,332,071
Austria.....	80,000	176,368
Australia.....	2,551,000	5,623,934
Canada.....	500,000	1,102,300
Finland.....	70,000	154,322
Iceland.....	5,428,000	11,966,568
Norway.....	300,000	661,380
Switzerland.....	6,125,000	13,503,175
	3,308,000	7,292,816

(b) Swiss or Emmenthaler cheese other than with eye formation. Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from such cheese (Item 950.10C).....

EC.....	2,013,000	4,437,859
Austria.....	1,022,000	2,253,101
Finland.....	282,000	621,697
Switzerland.....	272,000	599,651
	437,000	963,410

(c) Cheese and substitutes for cheese provided for in Items 117.75 and 117.85, part 4C, schedule 1 (except cheese not containing cow's milk; cheese, except cottage cheese, containing 0.5 percent or less by weight of butterfat), and articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States (Item 950.10D).....

EC.....	22,518,000	49,643,180
Argentina.....	9,379,000	20,676,943
Australia.....	100,000	220,460
Austria.....	1,050,000	2,314,830
	560,000	1,234,576

Subtitle A-Office of the Secretary of Agriculture
Appendix 2-Import Regulation 1, Revision 7

Finland.....	738,000	1,626,994
Iceland.....	29,000	63,933
Israel.....	607,000	1,338,192
New Zealand.....	7,895,000	17,405,317
Portugal.....	353,000	778,223
Sweden.....	285,000	628,311
Switzerland.....	1,522,000	3,355,401

- (d) Cheese and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, Part 4, schedule 1, except articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States

(Item 950.10E).....	1,717,000	3,785,298.
EC.....	223,000	491,625
Australia.....	194,000	427,692
Israel.....	50,000	110,230
New Zealand.....	1,000,000	2,204,600
Sweden.....	250,000	551,150

1/ Each time a particular TSUS Item No. is referred to in this Appendix, it includes all the articles classified under that item number in Part 3 of the Appendix to the Tariff Schedules of the United States except where specifically otherwise provided in the article description.

(Sec. 3, 62 Stat. 1248, as amended (7 U.S.C. 624); part 3 of the Appendix to the Tariff Schedules of the United States (9 U.S.C. 1202)

This final rule has been reviewed under the USDA criteria established to implement Executive Order 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 Carol M. Harvey, Head Dairy and Import Group, CP, Room 6616, South Building, Department of Agriculture, Washington, D.C. 20250.

Signed the 18th day of December, 1979.
Thomas R. Hughes,
Administrator, Foreign Agricultural Service.
[FR Doc. 79-39142 Filed 12-19-79; 8:45 am]
BILLING CODE 3410-10-M

Energy Information Administration
Department of Energy

Thursday
December 20, 1979

Part VIII

**Department of
Energy**

Energy Information Administration

**Publication of Alternate Fuel Price
Ceilings and Incremental Price Threshold
for High Cost Natural Gas**

DEPARTMENT OF ENERGY

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

Pursuant to Title II of the Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621), section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) alternative fuel price ceilings and a high cost gas incremental pricing threshold. These data are effective January 1, 1980, and are to be used by natural gas suppliers to determine the maximum surcharges applicable to the passthrough of certain portions of natural gas acquisition costs.¹

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, prices are shown for the 48 contiguous states. The District of Columbia's ceiling is included with the ceiling of the State of Maryland. The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State:	Dollars per million BTU's
Alabama.....	2.43
Arizona.....	2.68
Arkansas.....	2.74
California.....	2.72
Colorado.....	2.06
Connecticut.....	3.16
Delaware.....	3.00
Florida.....	2.80
Georgia.....	2.81
Idaho.....	2.06
Illinois.....	2.91
Indiana.....	2.91
Iowa.....	2.68
Kansas.....	2.68
Kentucky.....	2.91
Louisiana.....	2.73
Maine.....	3.13
Maryland.....	2.94
Massachusetts.....	3.04
Michigan.....	2.97
Minnesota.....	2.99
Mississippi.....	2.81
Missouri.....	2.38
Montana.....	2.06
Nebraska.....	2.68
New Hampshire.....	3.33
New Jersey.....	2.94
New Mexico.....	2.73
New York.....	2.93
Nevada.....	2.68
North Carolina.....	2.99
North Dakota.....	2.68
Ohio.....	2.91
Oklahoma.....	2.73
Oregon.....	2.53
Pennsylvania.....	2.90
Rhode Island.....	3.16
South Carolina.....	2.81
South Dakota.....	2.68
Tennessee.....	2.81
Texas.....	2.74
Utah.....	2.06
Vermont.....	3.27
Virginia.....	2.93
Washington.....	2.48

State:	Dollars per million BTU's
West Virginia.....	2.91
Wisconsin.....	2.96
Wyoming.....	2.06

¹Region-based price; see section III.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted price of No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during October 1979 was \$32 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective January 1, 1980, is \$7.17 per million BTU's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued September 28, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 51, issued in the same docket on the same date, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1980.

A. Data Collected

The EIA required the following data from all companies identified by the EIA as sellers of No. 6 high sulfur content residual fuel oil: for the month of October 1979, for each selling price to a large industrial user³, the number of gallons sold and the price. All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

Using each reported selling price and the volume sold at that price, the volume-weighted average price for each State was computed. States were grouped into the regions identified by the FERC (see Section III.C.). Using all reported prices and associated volumes sold in a region, the volume-weighted average price and the volume-weighted standard deviation of prices were calculated for each region. The volume-weighted average price for each State

³Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or local) and the military are excluded.

was adjusted downward by two times the standard deviation for the region to form the adjusted average price. The adjusted average price was compared to the lowest price reported for any transaction within the State, and the higher of the two was selected as the alternative fuel cost for purposes of establishing the price ceilings required by the NGPA. The alternative fuel cost (expressed in dollars per barrel) was divided by 6.3 million BTU's per barrel to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

In accordance with Section III.E., either the alternative fuel price calculated for the State or a region-based price was selected for each State. The method used to establish region-based prices is described in Section III.D. The alternative price ceiling selected is shown in Section I.

C. Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

- Region A:* Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island.
Region B: Delaware, Maryland, New Jersey, New York, Pennsylvania.
Region C: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.
Region D: Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Wisconsin.
Region E: Iowa, Kansas, Missouri, Minnesota, Nebraska, North Dakota, South Dakota.
Region F: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
Region G: Colorado, Idaho, Montana, Utah, Wyoming.
Region H: Arizona, California, Nevada, Oregon, Washington.

D. Method Used to Establish Region-Based Price

The price calculated for each State in accordance with the method described in Section III.B. was multiplied by the number of gallons of No. 6 high sulfur content residual fuel oil sold in the State during the reference month; the results of this calculation for all States in the region were summed and the total was divided by the total volume of the No. 6 high sulfur content residual fuel oil reported for the reference month. That result became the region-based price for the States in that region as applicable.

E. Selection of State or Region-Based Price

The region-based price was selected for publication for all states where the price computed for the State might disclose company specific information.

The EIA recognizes that there are a number of ways in which incremental

¹FERC Order No. 49, September 28, 1979; Docket No. RM79-14.

price ceilings could be derived. Given the short period of time available after the final Rulemaking issued by the FERC, the EIA decided to use the method described above initially. The EIA is considering a number of changes to the method, including the following:

- Data for the two months preceding the reference month may be used along with data for the reference month to calculate a three-month average; in that way, the incremental price ceiling published each month will be an average of data for three months.
- A "lag adjustment" will also be considered that will minimize the effect of changes in selling prices of the alternative fuel from the three months used in the calculation to the date the incremental prices become effective.

Issued in Washington, D.C. on December 19, 1979.

Lincoln E. Moses,
*Administrator, Energy Information
Administration.*

[FR Doc. 79-39255 Filed 12-19-79; 10:26 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

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

	PERSONNEL MANAGEMENT OFFICE /
66573	11-20-79 / Attorney positions; exempted from excepted service
66574	11-20-79 / Career and carrier conditional employment

Listing of Public Laws**Last Listing December 19, 1979**

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 901 / Pub. L. 96-148 To amend the Clean Water Act of 1977 to extend the moratorium on industrial cost recovery. (Dec. 16, 1979; 93 Stat. 1088) Price \$.75.

S. 1788 / Pub. L. 96-149 To amend the National Consumer Cooperative Bank Act to provide for a small business representative on the Bank's Board. (Dec. 16, 1979; 93 Stat. 1089) Price \$.75.