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Thursday
October 11, 1979

Highlights

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Highlights

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A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Executive Order 12165 of October 9, 1979

Adjustments of Certain Rates of Pay and Allowances

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

1–1. *Adjusted Rates of Pay and Allowances.*

1–101. *Statutory Pay Systems.* Pursuant to the provisions of subchapter I of Chapter 53 of Title 5 of the United States Code, the rates of basic pay and salaries are adjusted, as set forth at the schedules attached hereto and made a part hereof, for the following statutory pay systems:

(a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;

(b) the schedules for the Foreign Service (22 U.S.C. 867 and 870(a)) at Schedule 2;

(c) the schedules for the Department of Medicine and Surgery, Veterans Administration (38 U.S.C. 4107) at Schedule 3; and

(d) the rates of basic pay for the Senior Executive Service (5 U.S.C. 5382) at Schedule 4.

1–102. *Pay and Allowances for Members of the Uniformed Services.* Pursuant to the provisions of Section 1009 of Title 37 of the United States Code, the rates of monthly basic pay (37 U.S.C. 203(a) and (c)), the rates of basic allowances for subsistence (37 U.S.C. 402), and the rates of basic allowances for quarters (37 U.S.C. 403(a)) are adjusted, as set forth at Schedule 5 attached hereto and made a part hereof, for members of the uniformed services.

1–103. *Executive Salaries.* The Executive Salary Cost of Living Adjustment Act (89 Stat. 419, 28 U.S.C. 461) provides for adjustments in the rates of pay and salaries as set forth at the schedules attached hereto and made a part hereof, for the following:

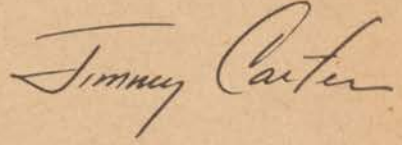
(a) The Vice President (3 U.S.C. 104) and the Executive Schedule (5 U.S.C. 5312–5316) at Schedule 6; and

(b) Congressional Salaries (2 U.S.C. 31) at Schedule 7.

1–2. *General Provisions*

1–201. *Effective Date.* The adjustments in rates of monthly basic pay and allowances for subsistence and quarters for members of the uniformed services shall be effective on October 1, 1979. All other adjustments of salary or pay shall be effective on the first day of the first applicable pay period beginning on or after October 1, 1979.

1–202. *Superseded Orders.* Executive Order No. 12087 of October 7, 1978, is superseded.



THE WHITE HOUSE,
October 9, 1979.

SCHEDULE 1 - THE GENERAL SCHEDULE

	1	2	3	4	5	6	7	8	9	10
GS-1	$7,210	$7,450	$7,690	$7,930	$8,170	$8,410	$8,650	$8,890	$8,902	$9,126
2	8,128	8,399	8,670	8,902	9,002	9,267	9,532	9,797	10,062	10,327
3	8,952	9,250	9,548	9,846	10,144	10,442	10,740	11,038	11,336	11,634
4	10,049	10,384	10,719	11,054	11,389	11,724	12,059	12,394	12,729	13,064
5	11,243	11,618	11,993	12,368	12,743	13,118	13,493	13,868	14,243	14,618
6	12,531	12,949	13,367	13,785	14,203	14,621	15,039	15,457	15,875	16,293
7	13,925	14,389	14,853	15,317	15,781	16,245	16,709	17,173	17,637	18,101
8	15,423	15,937	16,451	16,965	17,479	17,993	18,507	19,021	19,535	20,049
9	17,035	17,603	18,171	18,739	19,307	19,875	20,443	21,011	21,579	22,147
10	18,760	19,385	20,010	20,635	21,260	21,885	22,510	23,135	23,760	24,385
11	20,611	21,298	21,985	22,672	23,359	24,046	24,733	25,420	26,107	26,794
12	24,703	25,526	26,349	27,172	27,995	28,818	29,641	30,464	31,287	32,110
13	29,375	30,354	31,333	32,312	33,291	34,270	35,249	36,228	37,207	38,186
14	34,713	35,870	37,027	38,184	39,341	40,498	41,655	42,812	43,969	45,126
15	40,832	42,193	43,554	44,915	46,276	47,637	48,998	50,359	51,720	53,081
16	47,889	49,485	51,081	52,677	54,273*	55,869*	57,465*	59,061*	60,657*	
17	56,099*	57,969*	59,839*	61,709*	63,579*					
18	65,750*									

*Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is $53,600.

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Note 2. On October 1, 1979, the limitation in Schedule 1 of Executive Order No. 12087, October 7, 1978, changed and for the period October 1, 1979 to the start of the first applicable pay period in fiscal 1980 the following rates of pay were payable:

GS-15, Step 9 ..... $48,336
GS-15, Step 10 49,608
GS-16, Step 3 47,740
GS-16, Step 4 ..... 49, 232
GS-16, Steps 5 through 9 .... $50,100
GS-17, Steps 1 through 5 50,100
GS-18 50,100

Schedule 2 - FOREIGN SERVICE SCHEDULES

Part I - The Per Annum Salaries of Foreign Service Officers

	1	2	3	4	5	6	7
FSO-01	$61,903*	$63,966*	$65,750*				
02	47,540	49,125	50,710	$52,295	$53,880*	$55,465*	$57,050*
03	37,067	38,303	39,539	40,775	42,011	43,247	44,483
04	29,375	30,354	31,333	32,312	33,291	34,270	35,249
05	23,687	24,477	25,267	26,057	26,847	27,637	28,427
06	19,451	20,099	20,747	21,395	22,043	22,691	23,339
07	16,283	16,831	17,374	17,917	18,460	19,003	19,546
08	13,925	14,389	14,853	15,317	15,791	16,245	16,709

Part II - The Per Annum Salaries of Foreign Staff Officers and Employees

	1	2	3	4	5	6	7	8	9	10
FSS-01	$37,067	$38,303	$39,539	$40,775	$42,011	$43,247	$44,483	$45,719	$46,955	$48,191
02	29,375	30,354	31,333	32,312	33,291	34,270	35,249	36,228	37,207	38,186
03	23,687	24,477	25,267	26,057	26,847	27,637	28,427	29,217	30,007	30,797
04	19,451	20,099	20,747	21,395	22,043	22,691	23,339	23,987	24,635	25,283
05	17,403	17,983	18,563	19,143	19,723	20,303	20,883	21,463	22,043	22,623
06	15,580	16,099	16,618	17,137	17,656	18,175	18,694	19,213	19,732	20,251
07	13,954	14,419	14,884	15,349	15,814	16,279	16,744	17,209	17,674	18,139
08	12,503	12,920	13,337	13,754	14,171	14,588	15,005	15,422	15,839	16,256
09	11,206	11,580	11,954	12,328	12,702	13,076	13,450	13,824	14,198	14,572
10	10,049	10,384	10,719	11,054	11,389	11,724	12,059	12,394	12,729	13,064

* Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is $53,600.

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Note 2. On October 1, 1979, the limitation in Schedule 2 of Executive Order No. 12087, October 7, 1978, changed and for the period October 1, 1979 to the start of the first applicable pay period in fiscal 1980 the following rates of pay were payable:

FSO-01, Steps 1 through 3.....$50,100
FSO-02, Step 4 48,873
FSO-02, Steps 5 through 7..... 50,100

Schedule 3 - DEPARTMENT OF MEDICINE AND SURGERY SCHEDULES, VETERANS ADMINISTRATION

	Minimum	Maximum
Section 4103 Schedule		
Chief Medical Director	single rate.....	$73,733***
Deputy Chief Medical Director	single rate.....	70,731**
Associate Deputy Chief Medical Director	single rate.....	67,747*
Assistant Chief Medical Director	single rate.....	65,750*
Medical Director	$56,099*	63,759*
Director of Nursing Service	56,099*	63,759*
Director of Podiatric Service	47,889	60,657*
Director of Chaplain Service	47,889	60,657*
Director of Pharmacy Service	47,889	60,657*
Director of Dietetic Service	47,889	60,657*
Director of Optometric Service	47,889	60,657*
Physician and Dentist Schedule		
Director grade	47,889	60,657
Executive grade	44,219	57,485*
Chief grade	40,832	53,081
Senior grade	34,713	45,126
Intermediate grade	29,375	38,186
Full grade	24,703	32,110
Associate grade	20,611	26,794
Nurse Schedule		
Director grade	40,832	53,081
Assistant Director grade	34,713	45,126
Chief grade	29,375	38,186
Senior grade	24,703	32,110
Intermediate grade	20,611	26,794
Full grade	17,035	22,147
Associate grade	14,659	19,060
Junior grade	12,531	16,293

Clinical Podiatrist and Optometrist Schedule		
Chief grade	$40,932	$53,081
Senior grade	34,713	45,126
Intermediate grade	29,375	38,186
Full grade	24,703	32,110
Associate grade	20,611	26,794

* Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level V of the Executive Schedule which is $53,600.

** Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level IV of the Executive Schedule which is $56,500.

*** Basic pay is limited by Section 4107(d) of Title 38 of the United States Code to the rate for level III of the Executive Schedule which is $59,300.

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Note 2. On October 1, 1979, the limitation in Schedule 3 of Executive Order No. 12087, October 7, 1978, changed and for the period October 1, 1979 to the start of the first applicable pay period in fiscal 1980 the following rates of pay were payable:

	Minimum	Maximum
Section 4103 Schedule		
Chief Medical Director	Single rate	$55,400
Deputy Chief Medical Director	Single rate	52,800
Associate Deputy Chief Medical Director	Single rate	50,100
Assistant Chief Medical Director	Single rate	50,100
Medical Director	$50,100	50,100
Director of Nursing Service	50,100	50,100
Director of Podiatric Service	44,756	50,100
Director of Chaplain Service	44,756	50,100
Director of Pharmacy Service	44,756	50,100
Director of Dietetic Service	44,756	50,100
Director of Optometric Service	44,756	50,100
Physician and Dentist Schedule		
Director grade	44,756	50,100
Executive grade	41,327	50,100
Chief grade	38,160	49,608
Nurse Schedule		
Director grade	38,160	49,608
Clinical Podiatrist and Optometrist Schedule		
Chief grade	38,160	49,608

Schedule 4 - SENIOR EXECUTIVE SERVICE SCHEDULE

ES-1	$47,889	ES-4	$52,884
ES-2	49,499	ES-5	54,662
ES-3	51,164	ES-6	56,500

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress or the President.

Note 2. From October 1, 1979 to the start of the first applicable pay period in fiscal 1980, the following rates of pay, which were established in the President's memorandum of March 7, 1979, were payable:

ES-1	$44,756	ES-4	$50,100
ES-2	46,470	ES-5	51,450
ES-3	48,250	ES-6	52,800

Schedule 5 - PAY AND ALLOWANCES OF THE UNIFORMED SERVICES
Part I - Monthly Basic Pay
(Years of service computed under 37 U.S.C. 205)

Commissioned Officers

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
0-10[1]	$3529.80	$3654.00	$3654.00	$3654.00	$3654.00	$3794.10	$3794.10	$4084.80
0-9	3128.40	3210.60	3278.70	3278.70	3278.70	3362.40	3362.40	3501.90
0-8	2833.50	2918.40	2987.70	2987.70	2987.70	3210.60	3210.60	3362.40
0-7	2354.40	2514.60	2514.60	2514.60	2627.10	2627.10	2779.80	2779.80
0-6	1745.10	1917.60	2042.70	2042.70	2042.70	2042.70	2042.70	2042.70
0-5	1395.90	1639.20	1752.30	1752.30	1752.30	1752.30	1805.70	1902.30
0-4[2]	1176.60	1432.20	1528.20	1528.20	1556.10	1625.40	1736.10	1833.90
0-3[2]	1093.50	1222.20	1306.50	1445.70	1514.70	1569.60	1653.90	1736.10
0-2[2]	955.10	1041.30	1250.70	1293.00	1319.70	1319.70	1319.70	1319.70
0-1[2]	827.40	861.30	1041.30	1041.30	1041.30	1041.30	1041.30	1041.30

Pay Grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
0-10[1]	$4084.80	$4377.00	$4377.00	$4669.80*	$4669.80*	$4961.10*	$4961.10*
0-9	3501.90	3794.10	3794.10	4084.80	4084.80	4377.00	4377.00
0-8	3362.40	3501.90	3654.00	3794.10	3946.20	3946.20	3946.20
0-7	2918.40	3210.60	3431.10	3431.10	3431.10	3431.10	3431.10
0-6	2112.00	2446.50	2571.60	2627.10	2779.80	3014.70	3014.70
0-5	2029.50	2181.60	2307.00	2376.60	2459.70	2459.70	2459.70
0-4[2]	1917.60	2001.30	2057.10	2057.10	2057.10	2057.10	2057.10
0-3[2]	1778.70	1778.70	1778.70	1778.70	1778.70	1778.70	1778.70
0-2[2]	1319.70	1319.70	1319.70	1319.70	1319.70	1319.70	1319.70
0-1[2]	1041.30	1041.30	1041.30	1041.30	1041.30	1041.30	1041.30

1. While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $5473.80* regardless of cumulative years of service computed under Section 205 of Title 37 of the United States Code.

2. Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

* Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is $4,466.40 per month.

Commissioned officers who have been credited with over 4 years' active service as enlisted members

(Years of service computed under 37 U.S.C. 205)

Pay Grade	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
0-3	$1445.70	$1514.70	$1569.60	$1653.90	$1736.10	$1805.70
0-2	1293.00	1319.70	1361.70	1432.20	1487.40	1528.20
0-1	1041.30	1112.10	1153.20	1194.90	1236.60	1293.00

Pay Grade	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
0-3	$1805.70	$1805.70	$1805.70	$1805.70	$1805.70	$1805.70
0-2	1528.20	1528.20	1528.20	1528.20	1528.20	1528.20
0-1	1293.00	1293.00	1293.00	1293.00	1293.00	1293.00

Warrant Officers

(Years of service computed under 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
W-4	$1113.90	$1194.90	$1194.90	$1222.20	$1278.00	$1334.40	$1390.20	$1487.40
W-3	1012.50	1098.30	1098.30	1112.10	1125.30	1207.50	1278.00	1319.70
W-2	886.80	959.10	959.10	987.00	1041.30	1098.30	1139.70	1181.40
W-1	738.90	847.20	847.20	917.70	959.10	1000.50	1041.30	1084.20

Pay Grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$1556.10	$1611.30	$1653.90	$1707.90	$1765.20	$1902.30	$1902.30
W-3	1361.70	1402.50	1445.70	1501.50	1556.10	1611.30	1611.30
W-2	1222.20	1265.10	1306.50	1347.90	1402.50	1402.50	1402.50
W-1	1125.30	1166.70	1207.50	1250.70	1250.70	1250.70	1250.70

Enlisted Members

(Years of service computed under 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
E-9[1]	$0	$0	$0	$0	$0	$0	$1265.40	$1294.20
E-8	0	0	0	0	0	1061.70	1091.40	1120.50
E-7	741.30	800.10	829.80	858.60	888.30	916.20	945.60	975.00
E-6	640.20	698.10	727.20	757.80	786.00	814.80	844.80	888.30
E-5	562.20	611.70	641.40	669.30	713.10	742.20	771.90	800.10
E-4	540.30	570.60	603.90	651.00	676.80	676.80	676.80	676.80
E-3	519.60	548.10	570.30	592.80	592.80	592.80	592.80	592.80
E-2	500.10	500.10	500.10	500.10	500.10	500.10	500.10	500.10
E-1	448.80	448.80	448.80	448.80	448.80	448.80	448.80	448.80

Pay Grade	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9[1]	$1323.60	$1354.20	$1384.20	$1411.20	$1485.60	$1629.60	$1629.60
E-8	1149.90	1179.90	1207.20	1236.90	1309.50	1455.60	1455.60
E-7	1019.10	1047.90	1077.60	1091.40	1164.90	1309.50	1309.50
E-6	916.20	945.60	960.00	960.00	960.00	960.00	960.00
E-5	814.80	814.80	814.80	814.80	814.80	814.80	814.80
E-4	676.80	676.80	676.80	676.80	676.80	676.80	676.80
E-3	592.80	592.80	592.80	592.80	592.80	592.80	592.80
E-2	500.10	500.10	500.10	500.10	500.10	500.10	500.10
E-1	448.80	448.80	448.80	448.80	448.80	448.80	448.80

1. While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1990.90 regardless of cumulative years of service computed under Section 205 of Title 37 of the United States Code.

Part II - Basic Allowance for Subsistence Rates

Officers:	$67.21 per month
Enlisted Members:	
When on leave or authorized to mess separately:	$ 3.21 per day
When rations in-kind are not available:	$ 3.62 per day
When assigned to duty under emergency conditions where no messing facilities of the United States are available:	$ 4.79 per day

Part III - Monthly Basic Allowance for Quarters Rates

Pay Grade	Without Dependents		With Dependents
	Full Rate 1	Partial Rate 2	
Commissioned Officers			
0-10	$383.10	$50.70	$479.10
0-9	383.10	50.70	479.10
0-8	383.10	50.70	479.10
0-7	383.10	50.70	479.10
0-6	343.80	39.60	419.40
0-5	316.80	33.00	381.60
0-4	282.30	26.70	340.50
0-3	248.10	22.20	306.30
0-2	215.40	17.70	272.70
0-1	168.00	13.20	219.00
Warrant Officers			
W-4	$271.80	$25.20	$328.20
W-3	242.40	20.70	298.80
W-2	210.90	15.90	268.20
W-1	190.50	13.80	246.60
Enlisted Members			
E-9	$205.20	$18.60	$288.60
E-8	189.00	15.30	266.70
E-7	160.80	12.00	248.10
E-6	146.10	9.90	228.30
E-5	140.40	8.70	209.70
E-4	123.90	8.10	184.50
E-3	110.70	7.80	160.80
E-2	97.80	7.20	160.80
E-1	92.40	6.90	160.80

1. Payment of the full rate of basic allowance for quarters at these rates for members of the uniformed services to personnel without dependents is authorized by 37 U.S.C. 403 and Part IV of Executive Order No. 11157, as amended.

2. Payment of the partial rate of basic allowance for quarters at these rates to members of the uniformed services without dependents who, under 37 U.S.C. 403(b) or 403(c), are not entitled to the full rate of basic allowance for quarters, is authorized by 37 U.S.C. 1009(d) and Part IV of Executive Order No. 11157, as amended.

Part IV - Monthly Rate of Cadet or Midshipman Pay

The rate of monthly cadet or midshipman pay authorized by Section 203(c) of Title 37 of the United States Code is adjusted from $351.00 to $375.60.

Note. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Schedule 6 - VICE PRESIDENT AND THE EXECUTIVE SCHEDULE

Vice President	$84,700	Level III	$59,300
Level I	74,500	Level IV	56,500
Level II	65,000	Level V	53,600

Note 1. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

Note 2. On October 1, 1979 the limitation in Schedule 5 of Executive Order 12087, October 7, 1978, changed and for the period October 1, 1979 to the start of the first applicable pay period in fiscal 1980 the following rates of pay were payable:

Vice President	$79,100	Level III	$55,400
Level I	69,600	Level IV	52,800
Level II	60,700	Level V	50,100

Schedule 7 - CONGRESSIONAL SALARIES

Senator	$65,000
Member of the House of Representatives	65,000
Delegate to the House of Representatives	65,000
Resident Commissioner from Puerto Rico	65,000
President pro tempore of the Senate	73,400
Majority leader and minority leader of the Senate	73,400
Majority leader and minority leader of the House of Representatives	73,400
Speaker of the House of Representatives	84,700

Note. The rates payable under this schedule are subject to further adjustment, limitation, or reduction by the Congress.

[FR Doc. 79-31657
Filed 10-10-79; 10:33 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Thursday, October 11, 1979

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary and general officers of the Department to realign certain functional responsibilities under the Federal Meat Inspection Act, as amended.

EFFECTIVE DATE: October 11, 1979.

FOR FURTHER INFORMATION CONTACT: John C. Frey, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–5335).

SUPPLEMENTAL INFORMATION: The delegations of authority by the Secretary of Agriculture and general officers are being amended to provide that the Assistant Secretary for Marketing and Transportation Services and the Animal and Plant Health Inspection Service are responsible for the inspection of live animals intended and offered for export and the issuance of certificates of condition of such animals, and for the withholding of clearance of any vessel having live animals aboard for export to a foreign country until such certificate of condition has been issued. At present that responsibility is delegated to the Assistant Secretary for Food and Consumer Services. The Department believes this alignment of functions conforms to the missions of the Agencies involved and will enable the Department to serve the public more efficiently.

This rule relates to internal agency management and, therefore, pursuant to 5 U.S.C. 553 it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after the publication in the **Federal Register.** Further, since this rule relates to internal agency management it is exempt from the provisions of Executive Order 12044, Improving Government Regulations, and, thus, does not require the preparation of a regulatory impact analysis.

Accordingly, 7 CFR Part 2 is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.15 is amended by revising paragraph (a)(2)(iv) to read as follows:

§ 2.15 Delegation of authority to the Assistant Secretary for Food and Consumer Services.

* * * * *

(a) * * *

(2) * * *

(iv) The Federal Meat Inspection Act, as amended, and related legislation excluding Sections 12–14, and also excluding so much of Section 18 as pertains to issuance of certificates of condition of live animals intended and offered for export (21 U.S.C. 601–611, 615–624, 641–645, 661, 671–680, 691–692, 694–695.)

* * * * *

2. Section 2.17 is amended by adding a new paragraph (b)(18) to read as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Transportation Services.

* * * * *

(b) * * *

(18) Sections 12–14 of the Federal Meat Inspection Act, as amended, and so much of Section 18 of such Act as pertains to the issuance of certificates of condition of live animals intended and offered for export. (21 U.S.C. 612–614, 618.)

* * * * *

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Transportation Services

3. Section 2.51 is amended by adding a new paragraph (a)(18) to read as follows:

§ 2.51 Administrator, Animal and Plant Health Inspection Service.

(a) * * *

(18) Sections 12–14 of the Federal Meat Inspection Act, as amended, and so much of Section 18 of such Act as pertains to the issuance of certificates of condition of live animals intended and offered for export. (21 U.S.C. 612–614, 618).

* * * * *

Subpart L—Delegations of Authority by the Assistant Secretary for Food and Consumer Services

4. Section 2.92 is amended by revising paragraph (a)(2)(iv) to read as follows:

§ 2.92 Administrator, Food Safety and Quality Service.

(a) * * *

(2) * * *

(iv) Federal Meat Inspection Act, as amended, and related legislation excluding Sections 12–14, and also excluding so much of Section 18 as pertains to issuance of certificates of condition of live animals intended and offered for export (21 U.S.C. 601–611, 615–624, 641–645, 661, 671–680, 691–692, 694–695).

* * * * *

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.)

For Subpart C:

Dated: October 4, 1979.

Bob Bergland,

Secretary of Agriculture.

For Subpart F:

Dated: October 4, 1979.

Jerry C. Hill,

Deputy Assistant Secretary for Marketing and Transportation Services.

For Subpart L:

Dated: October 4, 1979.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 79–31433 Filed 10–10–79; 8:45 am]

BILLING CODE 3410–01–M

Agricultural Marketing Service

7 CFR Part 908

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

[Valencia Orange Regs. 632 Amdt. 1 and 633]

Valencia 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 Valencia oranges that may be shipped to market during the period October 12–18, 1979, and increases the quantity of such oranges that may be so shipped during the period October 5–11, 1979.

Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective October 12, 1979, and the amendment is effective for the period October 5–11, 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. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act.

The committee met on October 9, 1979, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges continues to be firm.

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 Valencia 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, the emergency nature of this regulation warrants publication without opportunity for further public comment, in accord with emergency procedures in Executive Order 12044. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An impact analysis is available from Malvin E. McGaha, (202) 447–5975.

. § 908.933 Valencia Orange Regulation 633.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period October 12, 1979, through October 18, 1979, are established as follows:

(1) District 1: 650,000 cartons;

(2) District 2: Unlimited;

(3) District 3: Unlimited.

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

2. Paragraph (a)(1) in § 908.932 Valencia Orange Regulation 632 (44 F.R. 57065), is hereby amended to read:

(1) District 1: 600,000 cartons.

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

Dated: October 10, 1979.

D.S. Kuryloski,

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

[FR Doc. 79-31706 Filed 10-10-79; 12:09 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-WE-33-AD; Amdt. 39-3591]

Airworthiness Directives; McDonnell Douglas DC-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires visual and x-ray inspections of the aft pressure bulkhead on airplanes with a ventral door. This AD is necessary to detect fatigue cracks which if not corrected could result in cabin decompression and degraded flight control and powerplant control functions.

DATES: Effective: October 11, 1979. Compliance schedule, As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60).

Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

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

SUPPLEMENTARY INFORMATION: Fatigue cracks have been found in the aft pressure bulkhead on airplanes with total flight hours below the anticipated crack free service life. The cracks originate at the upper and lower corners of the doorjamb, and progress outward through the bulkhead web and doublers toward the fuselage frame. A number of bulkheads were reported to have had visual inspection and no cracks were detected. Subsequent x-ray inspections revealed cracks. In one instance, a crack was found as the result of an inflight report of noise due to escaping air in the area of the doorjamb. The crack, approximately 18 inches long, originated at the upper LH corner of the jamb and

continued vertically through the air conditioning duct hole to the fuselage frame. Reports indicate that the crack had been growing for a considerable length of time prior to its discovery. A number of cracks of significant length have also been detected in web and doublers below the floor in the area of the lower LH and RH corners of the doorjamb. Consequently, it is possible that structural failure of the bulkhead could cause cabin decompression or interfere with satisfactory operation of the control cables or result in deformation of the floor which could, in turn, rupture the fuel lines and/or interfere with operation of the control cables. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires initial and repetitive visual and x-ray inspections, and modifications to the aft pressure bulkhead on airplanes with a ventral door.

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

Adoption of the Amendment

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

McDonnell Douglas: Applies to McDonnell Douglas DC–9–10, –20, –30, –40, –50 series, and C–9, C–9A and VC–9 airplanes, certificated in all categories, having the cabin aft pressure bulkhead fitted with a ventral door.

Compliance required as indicated, unless already accomplished.

To detect fatigue cracks and prevent possible structural failure of the fuselage cabin aft ventral pressure bulkhead (P/N 5910130 and rework drawings (5924597, 5924350)) accomplish the following:

(a) For those airplanes with a total of 15,000 or more landings on or after the effective date of this AD, accomplish the program of inspections outlined in paragraph (a)(1) and (a)(2) in accordance with the compliance schedule specified in the table below.

Aircraft landings	Inspect before additional landings
40,000 and over	100
35,000–39,999	125
30,000–34,999	150
25,000–29,999	200
20,000–24,999	250
15,000–19,999	300

(1) Conduct the visual and radiographic (x-ray) inspections in accordance with the instructions contained in Service Sketch 2934 of McDonnell Douglas Service Bulletin 53–137, dated June 6, 1979, and

(2) If there is a crack indication and its length cannot be determined by visual or x-ray methods, then conduct an eddy current or an FAA approval equivalent for verification of crack and crack length.

Note.— McDonnell Douglas Service Bulletin 53–137, dated June 6, 1979, is herein referred to as SB 53–137, dated June 6, 1979.

(b) If no cracks are found in the bulkhead web and doublers, in the areas of the doorjamb upper LH and RH corners, identified in Figures 1 and 5A of Service Sketch 2934 of SB 53–137, dated June 6, 1979, for those corner areas,

(1) At intervals not to exceed 2,000 landings, repeat the visual inspection required by paragraph (a), and

(2) At intervals not to exceed 4,000 landings, repeat the x-ray inspections required by paragraph (a).

(c) If cracks are found in the bend radius of the –13 doubler flange, in the areas of the doorjamb upper LH and RH corners, and the cracks do not exceed a combined total of 8.0 inches in length, and there are no radial cracks in the bulkhead web and doublers, including the –13 doubler,

(1) Before further flight, either modify the bulkhead as outlined in SB 53–137, dated June 6, 1979, Table III, Condition I, left side (Condition II, right side) or Condition III, left and right hand sides, and for the modified corner area at intervals not to exceed 4,000 landings, repeat the visual and x-ray inspections required by paragraph (a), or

(2) stop drill ends of cracks (.250 inches diameter) and at intervals not to exceed 250 landings, repeat the visual and x-ray inspections required by paragraph (a). (If sealant has been used, remove sealant for the purpose of inspections.) If crack has progressed beyond stop drill, or within 1,000 landings after initial inspection, accomplish the modification required by paragraph (c)(1).

(d) If radial cracks are found in any of the doublers or bulkhead web and the doorjamb upper RH and/or LH corners, and

(1) The radial cracks do not exceed 1.5 inches in length with or without cracks in the bend radius of –13 doubler which do not exceed a combined total of 8.0 inches in length,

(i) Before further flight, either modify the bulkhead as outlined in SB 53–137, dated June 6, 1979, Table III, Condition IV, upper LH corner (Condition V, upper RH corner), or Condition VI, upper LH and RH corners, and

(ii) For that modified corner area, at intervals not to exceed 4,000 landings, repeat the visual and x-ray inspections required by paragraph (a), or

(iii) Stop drill ends of cracks (.250 inches diameter) and at intervals not to exceed 250 landings, repeat the visual and x-ray inspections required by paragraph (a). (If sealant has been used, remove sealant for the purpose of inspections.) If crack has progressed beyond stop drill, or within 1,000 landings after initial inspection, accomplish the modification and inspection required by paragraph (d)(2).

(2) The radial cracks do not exceed 3.0 inches in length, are no less than 6.0 inches from the inboard and lower ends of the —75 or —77 doubler, with or without cracks in the bend radius of —13 doubler which do not exceed a combined total of 8.0 inches in length,

(i) Before further flight, modify the bulkhead as outlined in SB 53–17 dated June 6, 1979, Table III, Condition IV, upper LH corner (Condition V, upper RH corner) or Condition VI, upper RH and LH corners, and

(ii) For the modified corner area, at intervals not to exceed 4,000 landings from the last inspection, repeat the visual and x-ray inspections required by paragraph (a).

(e) If cracks are found and the cracks exceed the limits specified for either or all of the conditions identified in this AD, before further flight,

(1) Modify the bulkhead as specified in SB 53–137, dated June 6, 1979, Table III, Condition VII left corner (Condition VIII right corner) and for that modified corner area,

(i) At intervals not to exceed 4,000 landings, repeat the visual inspection required by paragraph (a), and

(ii) At intervals not to exceed 8,000 landings, repeat the the x-ray inspections required by paragraph (a), or

(2) Repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) If no cracks are found in the bulkhead web and doublers, in the areas of the doorjamb lower LH and RH corners, indentified in Figures 1 and 6A of Service Sketch 2934 of SB 53–137, dated June 6, 1979, and for those corner areas,

(1) At intervals not to exceed 2,000 landings, repeat the visual inspection required by paragraph (a), and

(2) At intervals not to exceed 4,000 landings, repeat the x-ray inspections required by paragraph (a).

(g) If radial cracks are found in the bulkhead web or doublers, in the areas of the doorjamb lower LH and RH corners, identified in Figures 1 and 6A of Service Sketch 2934 of SB 53–137, dated June 6, 1979, and the cracks do not extend below the body of the —37 sill,

(1) Before further flight, modify the bulkhead as outlined in SB 53–137, dated June 6, 1979, Table IV, Condition X, LH side (Condition XI, RH side), or Condition XII, LH and RH sides, and

(2) At intervals not to exceed 4,000 landings, repeat the visual and x-ray inspections required by paragraph (a), or

(3) If radial cracks do not exceed 1.0 inch in length, before further flight stop drill ends of cracks (.250 inches diameter) and at intervals not to exceed 250 landings, repeat the visual and x-ray inspections required by paragraph (a). (If sealant has been used, remove sealant for purpose of inspections.) If crack has progressed beyond stop drill, or within 1,000 landings after initial inspection, accomplish the modification required by paragraph (g)(1).

(h) If cracks are found in the bulkhead web or doublers, in the areas of the doorjamb lower LH and/or RH corners, identified in Service Sketch 2934 of SB 53–137, dated June 6, 1979, and extend below the vertical leg of the —37 sill, before further flight,

(1) Replace the cracked part(s) and for that modified corner area, and

(2) At intervals not to exceed 4,000 landings, repeat the visual inspection required by paragraph (a), and

(3) At intervals not to exceed 8,000 landings, repeat the x-ray inspections required by paragraph (a).

(i) For those operators who have accomplished the preventative repair per Conditions IX and/or XIII of SB 53–137, dated June 6, 1979, on or before the accumulation of an additional 15,000 landings, accomplish the visual and x-ray inspections required by paragraph (a), and

(1) At intervals not to exceed 4,000 landings, repeat the visual inspections required by paragraph (a), and

(2) At intervals not to exceed 8,000 landings, repeat the x-ray inspections required by paragraph a).

(j) The inspections and modifications required by this AD need not be accomplished if, after the effective date of this AD, the aircraft is operated without cabin pressurization and a placard is installed in the cockpit, in full view of the pilots, stating:

"Operation With Cabin Pressurization is Prohibited".

(k) Report results of the initial inspections required by paragraph (a) by telegram within one working day after accomplishing the inspections, including negative findings, performed in compliance with this AD to the Chief, Aircraft Engineering Division, FAA Western Region (TELX–664–388) (reporting approved by the Bureau of Budget under BOB NO. 04–R–0174). Identify: aircraft factory serial number, total landings and landings since last inspection, part number, number, size and location of cracks, detection method (x-ray, boroscope, eddy current, etc.), and corrective action taken.

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

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

(n) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(o) For the purpose of complying with this AD, if records of landings are not available, subject to the acceptance of an assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours time-in-service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment becomes effective October 11, 1979.

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

Issued in Los Angeles, California on October 5, 1979.

Leon C. Daugherty,

Director, FAA Western Region.

[FR Doc. 79-31507 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 18692; Amdt. 39-3587]

Airworthiness Directives; Avions Marcel Dassault All Models Fan Jet Falcon Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that requires inspection for wear or inadequate mating of the engaging surfaces of the passenger door outer control handle and its catch on certain Fan Jet Falcon Series airplanes. It would also require repairs or replacements as necessary, repetitive inspections, and related modifications. The AD is needed to prevent improper engagement of the passenger door locking mechanism which could result in the passenger door opening in flight.

DATES: Effective November 12, 1979.

ADDRESSES: The applicable service bulletin may be obtained from: Falcon Jet Corporation, 90 Moonachie Ave., Moonachie, New Jersey 07074.

A copy of each of the service bulletins is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Don C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30 or C. Christie, Chief, Technical Analysis Branch, AWS–110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the engaging surfaces of the passenger door outer control handle and catch, and repair or replacement as necessary, on Avions Marcel Dassault Fan Jet Falcon Series Airplanes, was published in the **Federal Register** at 44 FR 5148.

The proposal was prompted by reports that the passenger door locking mechanism on certain Fan Jet Falcon series airplanes may not adequately engage, due to component wear or poor adjustment which can allow the door to open in flight if for some reason there is low relative pressure in the cabin.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. Accordingly, the proposal is adopted without substantive change except that clarification of the compliance time in paragraph (g) which was inadvertently omitted in the notice has been made. In addition, two typographical corrections in paragraph (d) have been made.

Adoption of the Amendment

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

§ 39.13 [Amended]

Avions Marcel Dassault (A.M.D.). Applies to all models of the Fan Jet Falcon series airplanes, Serial Numbers 1 through 376, 378 through 380, 382, and 385 through 388, certificated in all categories.

Compliance required as specified in the body of this AD, unless already accomplished.

To prevent inadvertent opening of the passenger door due to incomplete manual engagement in closing, worn components, or poor adjustment of the latching mechanism, accomplish the following:

(a) For aircraft serial numbers 371 and 386, comply only with paragraph (e) of this AD. All other aircraft must comply with paragraphs (b) through (g) of this AD.

(b) Within the next 50 hours in service after the effective date of this AD, unless already accomplished, inspect the passenger door outer control handle and its catch for evidence of wear or inadequate mating of the engaging surfaces in accordance with Avions Marcel Dassault (A.M.D.) Service Bulletin (SB) No. 604 dated May 17, 1978, with Revision 1 dated June 8, 1978, or equivalent approved by the Chief, Aircraft Certification Staff, FAA, AEU–100, Europe, Africa, and Middle East Region.

(c) If during any inspection required by this AD, inadequate mating of the door outer control handle and its catch is found, before further flight, except that the airplane may be flown in accordance with FAR 21.197 and 21.199 to a base where repairs can be made, modify the door outer control handle assembly and its catch and install new

steel lock bolts in accordance with AMD-SB No. 615, dated May 17, 1978, or an equivalent approved by Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, or if wear is localized on the door outer handle, replace it with a door outer handle of the same part number in accordance with the Falcon 20 service manuals referenced in paragraph "J" of AMD-SB No. 615 or equivalent approved by Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa, and Middle East Region.

(d) If during any inspection required by this AD, inadequate mating of the door outer control handle and its catch is found or if a new door outer control handle has been installed in accordance with paragraph (c) of this AD, inspect the door outer control handle and its catch in accordance with the method specified in paragraph (b) of this AD at intervals not to exceed 500 hours time in service from the last inspection until the door outer control handle assembly and its catch are modified and steel lock bolts are installed in accordance with AMD-SB No. 615, dated May 17, 1978, or equivalent approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa, and Middle East Region.

(e) Within the next 500 hours time in service after the effective date of this AD, install passenger door closing instruction placards and symbols in accordance with the Accomplishment Instructions, paragraph 2.k. of AMD-SB No. 616, dated May 17, 1978, or FAA-approved equivalent.

(f) Within the next 1000 hours time in service after the effective date of this AD, install a microswitch and associated electrical circuitry to the passenger door handle mechanism and accomplish associated modifications, in accordance with AMD-SB 616, dated May 17, 1978, or equivalent approved by the Chief, Aircraft Certification Staff, AEU-100, Federal Aviation Administration, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium.

(g) Upon accomplishment of each modification specified in this AD, incorporate appropriate revisions to the Aircraft Parts, Maintenance and Repair Manuals, and Wiring Diagrams related to AMD service bulletins referenced in this AD.

This amendment becomes effective November 12, 1979.

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

Note.—The FAA has detemined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Analysis Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C., on September 28, 1979.

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 79-31412 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-GL-11-AD; Amdt. 39-3585]

Airworthiness Directives; Detroit Diesel Allison Model 250-B17 and 250-C20 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires replacement of certain third stage turbine wheels. The wheels are subject to blade failure after hot start. Two failures have resulted in loss of engine power.

DATES: Effective October 16, 1979. Compliance schedule—As prescribed in body of the AD.

ADDRESSES: The applicable engine service documents may be obtained from Detroit Diesel Allison, Division of General Motors Corporation, Indianapolis, Indiana 46206. Copies of the service information referenced in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois 60018; and at FAA Headquarters, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Roland West, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone number (312) 694-4500, extension 308.

SUPPLEMENTARY INFORMATION: There recently have been two instances of third stage turbine wheel blade failure. Both failures resulted in loss of engine power. Investigations revealed that in each instance, the most probable cause of these engine malfunctions was turbine wheel blade failure resulting from previous hot start. Since this condition is likely to exist or develop in other engines of this type design with certain part number turbine wheels, an airworthiness directive is being issued to remove these wheels from service when hot starts are experienced.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure are impracticable and contrary to the public interest and good cause exists for making the AD effective immediately to all known operators of Detroit Diesel Allison Model 250-B17 and 250-C20 series engines.

This AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

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

DETROIT DIESEL ALLISON: Applies to 250-B17, 250-B17B, 250-C20, 250-C20B, and 250-C20C (mil.T63-A-720) engines equipped with third stage turbine wheel part numbers 6898551, 6898567, 6898743, 6898733, 6898753, and 6898763 installed in aircraft certificated in all categories.

Compliance required as follows unless previously accomplished:

(a) For engines that have previously experienced a hot start beyond the established limits, compliance must be accomplished prior to further flight.

(b) For engines that experience a hot start beyond the established limits after the effective date of this AD, compliance must be accomplished prior to further flight except that the aircraft may be flown in accordance with FAR 21.197 to a base where the removal can be performed.

To preclude possible engine power loss resulting from third stage turbine wheel failure, remove the turbine wheels from service if the following temperature-time limits are exceeded and install a serviceable FAA Approved P/N turbine wheel.

Temperature range and time limit

810°-927° C (1490°-1700° F)—10 seconds maximum.

Over 927° C (1700° F)—0 seconds.

The turbine wheels may not be reworked and reinstalled after hot start.

(Detroit Diesel Allison Commercial Service Letter 1051 and Commercial Engine Bulletin 1124 for the 250-B17 series engines, and Commercial Letter 1084 and Commercial

Engine Bulletin 1148 for the 250-C20 series engines pertain to this subject)

This amendment becomes effective October 16, 1979.

(Secs. 313(a), 601, 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)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Roland West, Engineering and Manufacturing Branch, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Illinois on September 26, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-31418 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 18632; Amdt. 39-3588]

Airworthiness Directives; Britten-Norman (Bembridge) Ltd. BN-2A Mk III Series Trislander Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that would require the replacement of elevator trim tab cables on Britten-Norman BN-2A Mk III series Trislander airplanes. Based on several reports of failure of the cables, this AD is required to preserve integrity of the elevator trim system and to prevent possible hazardous trim tab flutter.

DATES: Effective November 12, 1979.

ADDRESSES: The applicable service bulletin may be obtained from: Britten-Norman (Bembridge) Ltd., Bembridge—Isle of Wight, England.

A copy of the service bulletin is contained in the Rules Docket, Rm 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513,38.30, or C. Christie, Chief, Technical Analysis Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of elevator trim tab cables on Britten-Norman BN-2A Mk III series Trislander airplanes was published in the **Federal Register** at 44 FR 2399.

The proposal was prompted by an FAA determination that failure of the elevator trim tab cables, P/Ns NB-45-B-2333, 2231 and 2229 on Britten-Norman BN-2A Mk III Trislander airplanes is likely to occur. Several instances of failure of the cables in the vicinity of the pulleys located in the tailplane and rear engine pod have been reported. Consequently, it is considered necessary to require replacement of the existing cables with cables of greater flexibility to prevent failure of the cables and possible hazardous flutter of the elevator trim tab.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. Accordingly the proposal is adopted without substantive change. Clarifying language has been added concerning the FAA-approved equivalent to the manufacturer's service bulletin. In addition, a typographical error of the date of the manufacturer's service bulletin has been corrected.

Adoption of the Amendment

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

§ 39.13 [Amended]

Britten-Norman (Bembridge) Ltd. Applies to BN-2A Mk III Series Trislander airplanes, certificated in all categories, which do not incorporate Britten-Norman modification NB/M/679.

Compliance is required prior to the accumulation of 1000 hours time in service or within 200 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished.

To prevent failure of the elevator trim tab cable and the possible resultant trim tab flutter, replace the existing elevator trim tab cables, P/Ns NB-45-B-2333, 2231, 2229 with new cables P/Ns NB-45-B-2747, 2749, 2745, respectively, in accordance with Britten-Norman Service Bulletin BN-2/SB.75, dated June 27, 1974, or an equivalent approved by the Chief, Aircraft Certification Staff, AEU-100, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective November 12, 1979.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Analysis Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C., on September 28, 1979.

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 79-31413 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-27]

Designation of Federal Airways; Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration To Control Zones and Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: The nature of this federal action is to alter and more accurately define the transition areas and control zones airspace near Sault Ste. Marie, Michigan. These changes are a result of recent major airport changes in this area, which saw the Kincheloe Air Force Base close, the Chippewa County Airport open on the site of the previous Air Force Base (AFB), followed by the closing of the Sault Ste. Marie Municipal Airport.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using the new and revised instrument approach procedures at the Chippewa County

Airport in instrument weather conditions and other aircraft operating under visual weather conditions. All of the previous airspace within the control zones and transition areas of Sault Ste. Marie, Michigan (Kincheloe AFB), Sault Ste. Marie, Michigan (Municipal Airport), and Sault Ste. Marie (Ontario, Canada) which fall within United States airspace authority will be cancelled and simultaneously replaced with new airspace which reflects the current requirement. The airspace herein designated will insure that the instrument procedures will be contained within controlled airspace. In addition, aeronautical maps and charts will reflect the areas of instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 42224 of the **Federal Register** dated July 19, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Sault Ste. Marie, Michigan. Interested persons were invited to participate in this rulemaking proceedings by submitting written comments on the proposal to the FAA.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 29, 1979, as follows:

In Section 71.181 (44 FR 442) the following transition area is amended to read:

Sault Ste. Marie, Mich.

That airspace extending upward from 700 feet above the surface within 8.5 statute miles of the Chippewa County Airport (latitude 46°14'52", longitude 84°28'15" estimated).

Sault Ste. Marie Ontario, Canada

Over the United States, that airspace extending 700 feet above the surface within 8.5 statute miles of the Sault Ste. Marie, Ontario Airport; (latitude 46°29'N, longitude 84°31'W estimated); and within 1.75 statute miles each side of 297°(T) bearing from the geographical center extending from the 8.5 statute mile radius to 12 statute miles northwest.

In Section 71.171 (44 FR 353) the following control zones are amended to read:

Sault Ste. Marie, Mich.

Within a 5 statute mile radius of the Chippewa County International Airport (latitude 46°14'52", longitude 84°28'15" estimated). This zone effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Sault Ste. Marie Ontario, Canada

Over the United States, within a 5 statute mile radius of the Sault Ste. Marie, Ontario Airport (latitude 46°29'N, longitude 84°31'W estimated) and within 1.75 statute miles north of the 108°(T) bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 5.5 statute miles southeast, and within 1.75 statute miles each side of the 118°(T) bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 11 statute miles southeast, and within 1.75 statute miles each side of 293°(T) bearing from the geographical center of the airport extending from the 5 statute mile radius zone to 5.5 statute miles northeast.

This amendment is made under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-27, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 24, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-31417 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-39]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near East St. Louis, Illinois to accommodate a proposed change to Instrument Landing System (ILS) Runway 30 and Non-Directional Beacon (NDB) Runway 30 instrument approach procedure into the Bi-States Airport, East St. Louis, Illinois.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using these approach procedures in instrument weather conditions and other aircraft operating under visual weather conditions. The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately 9 miles beyond that now depicted. The development of the revised procedure necessitates the FAA to alter the designated airspace to insure that that procedure will be contained within controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 45960 of the **Federal Register** dated August 6, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at East St. Louis, Illinois. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 29, 1979, as follows:

§ 71.181 [Amended]

In Section 71.181 (44 FR 442) the following transition area is amended to read:

East St. Louis, Ill.

That airspace extending upward from the surface within a 7-mile radius of the Bi-State Parks Airport (latitude 38°34'17.8"N., longitude 90°09'34.3"W.), and within 4.5 miles N of the 116° bearing from the LOM, and 4.5 miles S of the 129° bearing from the airport, extending from the 7-mile radius to 10.5 miles SE of the LOM; excluding that portion which overlies the St. Louis, Missouri transition area and the Belleville, Illinois transition area.

This amendment is made under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-39, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 24, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-31415 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-43]

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near Watersmeet, Michigan to accommodate a new Non-Directional Radio Beacon (NDB) Runway 9 and 27 instrument approaches into NRC Airport, Watersmeet, Michigan established on the basis of a request from the NRC Airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: January 24, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions. A small portion of airspace will be designated at 1200 feet above ground. In addition, the floor of the controlled airspace in this area will be lowered to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 42223 of the **Federal Register** dated July 19, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Watersmeet, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 29, 1979, as follows:

§ 71.181 Amended

In section 71.181 (44 FR 442) the following addition should be made to the existing transition area:

Watersmeet, Mich.

That airspace extending upward from 700 feet above the surface within an 8.5 statute mile radius of the NRC Airport, Watersmeet, Michigan (latitude 46°17'15" N; longitude 89°16'35" W), excluding that portion which overlaps the Land-O-Lakes transition area; and that airspace extending upward from 1200 feet above the surface within 9.5 miles north and 4.5 miles south of the 265° true bearing of the Watersmeet (RXW) NDB (latitude 46°17'18" N; longitude 89°16'43" W) extending 18.5 miles east of the NDB and 9.5 miles north and 4.5 miles south of the 100° true bearing of the RXW NDB extending 18.5 miles west, excluding that portion which overlaps the Land-O-Lakes and the Boulder Junction transition areas and that 1200 foot airspace designated to encompass VOR Federal Airways V430, V63, and V91E.

This amendment is made under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-43, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 24, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-31414 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

Foreign Trade Statistics; Elimination of Specified Manifest Requirement for Air Shipments Between the United States and Puerto Rico

AGENCY: Bureau of the Census, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Foreign Trade Statistics Regulations to eliminate the requirement that, on direct air flights between the United States and Puerto Rico, any cargo for which a Shipper's Export Declaration is not required

should be listed on the manifest for the shipment.

EFFECTIVE DATE: October 11, 1979.

FOR FURTHER INFORMATION CONTACT: Emanuel A. Lipscomb, Chief, Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, 301–763–5342.

SUPPLEMENTARY INFORMATION: The Foreign Trade Statistics Regulations require that, on direct air flights between the United States and Puerto Rico, a cargo manifest should be filed for any merchandise transported as cargo which is excepted from the filing of Shipper's Export Declarations or for any cargo for which Shipper's Export Declarations cannot be timely filed. The regulations further provide that certain statements be made on the general declaration required by Customs Regulations or on the cargo manifest, if one is required, indicating either (a) that Shipper's Export Declarations are attached which represent a full and complete enumeration and description of the cargo carried on the flight except that listed on the manifest, or (b) that all required cargo documents will be filed within the 4-day bond period in those instances where the bond provisions are being utilized.

As a result of discussions with various airline representatives, the Bureau of the Census is amending the Foreign Trade Statistics Regulations to change the requirement for listing on the manifest any cargo for which the Shipper's Export Declaration is not required in favor of a requirement that only those items be listed for which Shipper's Export Declarations are required but are not available at the time of shipment.

In accordance with the rulemaking provisions of the Administrative Procedures Act, 5 U.S.C. 553, the Bureau finds that notice and opportunity for interested persons to submit written comment (either before or after the promulgation of this amendment) would serve no public interest.

Accordingly, the following changes are hereby made to the Foreign Trade Statistics Regulations:

1. In section 30.21(b), the seventh sentence and all of the suceeding portion of this section 30.21(b) are hereby deleted and the following is substituted in lieu thereof:

§ 30.21 Requirements for the filing of manifests.

* * * * *

(b) * * * For aircraft carrying merchandise on direct flights between the United States and Puerto Rico, where the conditions of 19 CFR 6.8(e) of the Customs Regulations are met and complied with, a cargo manifest shall be required only for any merchandise transported as cargo for which Shipper's Export Declarations are required to be filed but which cannot be timely filed. For cargo requiring Shipper's Export Declarations, a declaration shall be made on the cargo manifest, or if none is required under the provisions of this section, then either on the form for a cargo manifest or the form for making a general declaration as required by Customs Regulations. This declaration shall state either "Attached Shipper's Export Declarations together with the items (if any) listed on the manifest represent a full and complete enumeration and description of the cargo carried on this flight except that for which Shipper's Export Declarations are not required" or "All required cargo documents will be filed within the 4-day bond period," the latter statement to be used in those instances where none of the Shipper's Export Declarations are available at the time of departure. When the Shipper's Export Declarations and any required cargo manifests are in fact subsequently filed, they shall be accompanied by the following declaration:

Attached Shipper's Export Declarations represent a full and complete enumeration and description (or complete/supplement enumeration and description) of the cargo carried on aircraft no.—— flight no.—— cleared direct for—— on—— except that cargo for which Shipper's Export Declarations are not required in accordance with the Foreign Trade Statistics Regulations.

Airline————

Authorized Agent————

(Title 13, United States Code, section 302, and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Order No. 35–2A, August 4, 1975, 40 FR 42765)

August 3, 1979.

Vincent P. Barabba,

Director, Bureau of the Census.

September 11, 1979.

Richard J. Davis,

Assistant Secretary, Department of the Treasury.

[FR Doc. 79-31419 Filed 10-10-79; 8:45 am]

BILLING CODE 3510-07-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 290

[Docket No. RM79–6; Order No. 48]

Collection of Cost of Service Information Under Section 133 of the Public Utility Regulatory Policies Act of 1978

September 28, 1979.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final regulations.

SUMMARY: The Commission is amending certain portions of its final regulations governing the collection of cost of service information under section 133 of the Public Utility Regulatory Policies Act of 1978, including § 290.404—Customer groups to be reported and an additional § 290.603—Petitions for withdrawals of exemptions and extensions. Although only certain of the final rules are being amended, the rule is being published in its entirety for easy reference.

EFFECTIVE DATES: The amendments will be effective October 29, 1979. Petitions for rehearing on § 290.104 by October 29, 1979. Petitions for reconsideration of § 290.404 and § 290.603 by October 29, 1979.

ADDRESSES: Petitions should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Gregory D. Martin, Office of Commissioner Matthew Holden, 825 North Capitol Street, NE., Room 9010, Washington, D.C. 20426, (202) 357–8383.

Jane Phillips, Office of the General Counsel, 825 North Capitol Street, NE., Room 8104–B, Washington, D.C. 20426, (202) 357–8033.

William Lindsay, Office of Electric Power Regulation, 825 North Capitol Street, NE., Room 5200, Washington, D.C. 20426, (202) 275–4777.

Introduction

On June 5, 1979, the Federal Energy Regulatory Commission (Commission) issued Part 290 as a final rule implementing section 133 of the Public Utilities Regulatory Policies Act of 1978 (PURPA) (44 FR 33847, June 13, 1979). Comments were invited on two sections of that rule, § 290.404(d) and § 290.404(f), to be received before July 15, 1979. Subsequently, the Commission issued a Notice of Opportunity to Petition for Reconsideration of certain sections of Part 290. It also advised that § 290.104 had been issued under the Federal Power Act (FPA), and that the FPA

grants a right to Petition for Rehearing regarding that section.

The Commission has received over eighty filings on Part 290; five of these constituted petitions for rehearing on § 290.104. The filings represented approximately eighty parties, including almost seventy electric utilities, five State commissions, the National Association of Regulatory Utility Commissioners (NARUC), the Edison Electric Institute (EEI), the American Public Power Association (APPA), and the National Rural Electric Cooperative Association (NRECA). A list of those who submitted comments is included at the end of this preamble. Based on an analysis of the comments, the Commission has amended several sections of the final regulations effective October 29, 1979.

Summary and Analysis of Comments

Subparts A, B, and C

Three comments were received concerning the extension for small utilities in § 290.102(d). One comment [1] suggested that qualification for the extension should be based on the amount of total *firm* sales in order to exclude interruptible sales. The Commission based the extension provision in § 290.102(d) on the coverage qualification in section 102 of PURPA which is based on total sales. The Commission continues to believe that the extension provided in § 290.102(d) should parallel the coverage provision in the statute.

Another comment [2] indicated that the small utility extension is meaningless because small utilities will have to supply cost and load information before 1982 in order to implement section 112 of PURPA which requires that determinations on the Federal standards be made no later than two years after the date of PURPA enactment. The Commission disagrees with this comment. It is correct that consideration of the PURPA standards must *begin* no later than two years following PURPA enactment at which time filings by small utilities might not be available for use in those considerations. However, the State regulatory authorities and nonregulated utilities need not complete their evaluations until three years after PURPA enactment or, at the very latest, in the next rate case, at which time small utility filings will be available to aid in such considerations. Furthermore, section 112(a) permits any participant to request consideration of the Federal standards in any rate proceeding. Thus, evaluations made under section 112 of PURPA will be of an ongoing nature. In view of the importance of sparing the smaller utilities from unnecessary data-collection expense to the maximum extent practical, and in view of the fact that information on small utilities will be available for use in later rate proceedings in which the Federal standards are considered, we shall retain the extension provision. The additional time should permit small utilities to comply with the Part 290 requirements as economically as possible. In the interim, the data submitted by larger utilities may be helpful for evaluating small utilities' rate structures until direct data on small utilities are available.

A third comment [3] suggested that the Commission reduce rather than postpone the reporting requirements for small utilities because of the disproportionate costs to small utilities of doing load research and providing other information required under section 133. In recognition of these disproportionate costs, the Commission has already provided in § 290.403(d) that utilities having total retail sales of energy of less than one billion kilowatt-hours need collect sample metered data no more frequently than every five years. The Commission does not believe that additional relief is required or advisable.

For the reasons stated above, the extension for utilities with sales under one billion kilowatt-hours is being retained.

One comment [4] complained that the alternate reporting period provided for in § 290.103 was not available to nonregulated utilities because of the wording of that section. The Commission recognizes that such utilities frequently use a fiscal year for gathering information and has revised this section to provide an alternate reporting period for such utilities.

Nine comments were received concerning the filing date in § 290.103. Three comments [5] recommended that the date be changed from May 31 of the filing year to July 31 of that year; five comments [6] suggested that the date be changed to November 1 of the filing year. Several of the comments indicated that more time was required than the Commission had given in order to evaluate the data collected for the reporting year and that some of these data are not available until the middle of February. Several other utilities argued that, since the Form 1 report is due on March 31 of each year and the Form 12 report is due on April 30, additional time is needed under Part 290 to permit proper use of Form 1 and Form 12 information in the filings made under Part 290. The Commission recognizes the problems of analysis and reporting which are created by the May 31 filing date. On the other hand, the Commission believes that information gathered for purposes of section 133 should be as current as is reasonably possible. In light of these considerations, the Commission has revised the regulations to provide for a June 30 filing date.

Five comments [7] criticized § 290.104 which prohibits including in wholesale rates any portion of the costs of complying with the regulations in Part 290. The comments argued that allocating administrative and general expenses incurred in complying with Part 290 between retail and wholesale would be difficult if not impossible, and that such a ratemaking provision is inappropriate in these regulations, has no foundation in PURPA and was not promulgated in conformance with notice and comment requirements. The comments also alleged error in the Commission's rationale that information collected under the rules involves only retail service and that the costs of collecting it should therefore be charged only to those customers.

The objections to the substance of this subpart are not persuasive. The Commission's role in the statutory scheme embodied in Title I of PURPA is, in effect, to function as a neutral stakeholder. The Commission is to specify information to be provided by covered electric utilities. However, the information will be used by State regulatory authorities, regulated and nonregulated utilities, and intervenors in considering rate design standards specified in Title I. Since this Commission does not have jurisdiction over retail rates, we cannot regard the cost of complying with section 133 as a cost incurred in the process of supplying services over which this Commission

[1] Bangor Hydro-Electric Co.

[2] NRECA.

[3] UGI Corporation.

[4] APPA.

[5] Southern Company Services, Inc. on behalf of Alabama Power Co., Georgia Power Co., Gulf Power Co., and Mississippi Power Co. (Southern Company Services, Inc., *et al.*); North Carolina Utilities Commission; and Illinois Power Co.

[6] EEI; Carolina Power and Light Co., joint comments filed on behalf of Appalachian Power Co., Boston Edison Co., Commonwealth Edison Co., Consolidated Edison Co. of New York, Inc., Florida Power and Light Co., Indiana and Michigan Electric Co., Kentucky Power Co., Kingsport Power Co., Michigan Power Co., Ohio Power Co., Union Electric Co., and Wheeling Electric Co. (Appalachian Power Co., *et al.*); AEIC; and NRECA.

[7] Appalachian Power Co., *et al.*, Southwestern Public Service Co., EEI, Houston Lighting and Power Co., and Pennsylvania Power and Light Co.

has jurisdiction. In addition, we note that many electric utilities covered by section 133 and the rest of Title I are the very wholesale customers to which the commenting investor-owned utilities would have us allocate some of the costs of complying the section 133. However, it is clear that allocating part of the cost of the wholesale supplier's cost of compliance to wholesale customers would be unfair because it would impose a double cost on such wholesale customers.

Nor does the Commission believe that § 290.104 was promulgated improperly. The section was promulgated under Part II of the FPA which authorizes the Commission to establish wholesale electric rates and is not prohibited under PURPA. Although § 290.104 was not included in the proposed regulations, the general issue of compliance costs was the primary focus of comments on the proposed rule. Because § 290.104 was promulgated as an outgrowth of those comments the Commission believes that it was promulgated in a procedurally proper manner. However, to remove any possible doubt that we have afforded full opportunity for comment on this section, we will entertain petitions for rehearing of this section of the final rule.

One comment [8] inquired whether the voltage levels mentioned in § 290.105(b) were provided as examples or whether collection of information for such voltage levels is mandatory. The Commission emphasizes that the levels were included in the rule by way of example and recognizes that reporting utilities may use different voltage levels based on the particulars of their individual systems.

Based on comments received from one utility, [9] the Commission has revised § 290.202(a) for purposes of clarity. The amendment makes clear that utilities are not required to report information separately for wholesale and retail customers.

One comment [10] objected to § 290.205, which requires the utility to design and report costing periods based on the accounting information supplied under Subpart B. The utility recommended that the section be eliminated because it alleged that the methodology for determining time-of-day rates based on accounting costs is imperfect. However, one of the purposes for data collection in section 133 is to facilitate the calculation of time-of-day rates based on accounting costs. Whether or not time-of-day rates can *correctly* be determined using accounting costs, a number of utilities do have time differentiated rates based on accounting costs. The Commission has more than once stated that it is not attempting to pass judgment on the merits of various rate setting methods, but is requiring instead that data be collected so that various methods can be tested. In order to facilitate such experimentation, the Commission is rejecting the comment and is retaining this portion of the regulation.

Six comments [11] objected to the requirement that marginal cost information, either raw or calculated, be provided. The Commission addressed the issues raised in these comments in pages 5 through 9 of the preamble to the final regulations issued June 5 and will continue to require the reporting of such information based on the discussion provided therein.

One comment [12] stated that the provision in § 290.303(a) requiring that the utility develop hourly marginal energy costs for a typical weekday, a typical weekend day and the system peak day for each month for a five-year period, while representing an easing in reporting requirements from the proposed rules, might "still require a very expensive computer program to produce the data." The comment urged the Commission to accept averaged marginal energy costs of on-peak and off-peak periods, rather than for every hour for such periods. The Commission believes that these hourly costs are an important element of the information needed to investigate whether a given choice of costing periods is reasonable and is retaining the requirement in its regulations.

Several comments were received on § 290.305, which requires information on distribution and customer costs. One comment [13] indicated that information on connection costs for the "average addition" within a major customer class is meaningless because the computation would produce data weighted by the particular mix of customers and voltage levels within the major customer class. A footnote has been added to § 290.305(a)(3) indicating that "average addition" does not require such a mathematical computation and that the utility will only be required to supply information on a "representative" customer addition. This comment also indicated that, while it did not agree with the minimum distribution system concept originally proposed and eliminated from the final rules, it felt that a zero intercept methodology should be required in reporting information on distribution and customer costs. The Commission eliminated the minimum distribution system concept from its final regulations because it did not wish to impose a single method on all reporting utilities at this time. For the same reason, the Commission declines to adopt the zero intercept methodology in its final rules.

In addition to the above changes, the Commission has made two editorial changes in Subpart C. Section § 290.305(a)(3) has been amended to indicate that nonrecurring labor costs should be included in each of the items required in § 290.305(a)(3)(i) through (iv) or in the separate item specified in § 290.305(a)(3)(v). One comment [14] observed that some of the titles and account numbers in § 290.306 are "obsolete." Our review indicates that the designation of some of the account numbers in the final rule is not in accord with the most recent version of the Uniform System of Accounts. The rule has been amended to correct the error.

Subpart D

Three comments [15] recommended that the Commission not require utilities to report pool and system load data for the same intervals of integration, as required in § 290.401(a). These comments indicated that such a requirement would produce less precise data in those circumstances where the pool reports on a 60-minute interval but the utility reports on a lesser interval. The Commission is in agreement with these comments and has revised its regulations to omit this requirement. However, we retain the requirement that system and class loads be reported using the same interval.

Two comments [16] suggested that the utility should be given the option under § 290.401(b) to report by jurisdiction or by the system as a whole. Section 290.401(b)(1) requires reporting by jurisdiction for certain load data unless the jurisdictions involved waive the requirement and permit system reporting. We believe this is a proper requirement and are retaining it in the regulations. Section 290.401(b)(2) requires reporting by the system as a whole for hourly load data unless one or more retail jurisdictions requests separate reporting. Section 290.401(b)(2) was included to minimize reporting

[8] Appalachian Power Co., *et al.*

[9] Public Service Co. of Colorado.

[10] Public Service Electric and Gas Co.

[11] Alabama Power Co., Southwestern Public Service Co., Houston Lighting and Power Co., Hawaiian Electric Co., EEI, and UGI Corporation.

[12] Appalachian Power Co., *et al.*

[13] Public Service Electric and Gas Co.

[14] Hawaiian Electric Co.

[15] EEI, Appalachian Power Co., *et al.*, and Public Service Electric and Gas Co.

[16] Portland General Electric Co., and Philadelphia Electric Co.

burdens. However, if a utility prefers jurisdictional reporting of hourly load data, the regulations should permit it. Therefore, § 290.401(b)(2) has been revised to give the utility the option of reporting by jurisdiction if it chooses. The right of the jurisdictional authority to require such reporting is retained. A conforming amendment has also been made in § 290.403(a)(3). The Commission advises that the utility should feel free to submit the data required in this section if it so chooses even if it has elected under § 290.401(b)(2) to report by jurisdiction rather than the system as a whole. A third comment [17] suggested that the Commission establish a minimum number of customers or kilowatt-hours before jurisdictional reporting would be required. The Commission has redefined the customer groups for which load data will be required under Subpart D to include a reporting minimum.

One utility [18] objected to the requirement in § 290.402(a) that the system coincident peak be consistent with that reported in Form 1, apparently because it thought the peak loads reported in Form 1 excluded the loads of certain wholesale customers over a given size. Although Form 12 requires utilities to separate out such customer loads, page 431 of Form 1 requires reporting of the *total* system's coincident peak. Thus, no change in the regulations is necessary in this regard.

Several comments [19] addressed the requirement in §§ 290.402(c) and 290.402(e)(2) for reporting loads for the "winter peak." The comments questioned whether the term "winter" embodied a seasonal or a calendar year concept. Section 290.103(b) of the final regulations issued June 5 required that reporting be made on a calendar year basis. Thus, under the present rule, the winter season would be "split" in two by the new calendar year. Several utilities commenting on § 290.402(e)(2) stated that such a split could result in the reporting of two winter peaks for a single calendar year. In addition, the comments argued that many companies would conduct load research quite differently depending on whether the winter peak of the season occurred in December or in the immediately-following January or February. These comments explained that utilities may conduct their load research for other than a calendar year period, and may commence sample metering in either the Spring or the Fall. The Commission wishes to avoid the "split winter" reporting problem as well as the timing problem for the collection of sampled data. Because we had intended that information on the winter peak be provided on a seasonal rather than a calendar year basis, we are revising §§ 290.103(b), 290.302(f), 290.402(c) and 290.402(e)(2) of the regulations to require that information be reported for the winter season immediately following the summer peak for which corresponding information is reported. In addition, the final regulations are being revised to allow sampling on other than a calendar year basis, commencing in either the Spring or the Fall.

Two comments [20] suggested that the requirement in § 290.402(e)(1) for reporting load duration curves be eliminated because such curves can be calculated based on other information required in § 290.402(e). They also argued that load duration curves are no longer used in constructing time-of-day rates. The Commission addressed this issue on pages 87 and 88 of the preamble to the final rules issued June 5 and is retaining this provision in its final rules for the reasons stated therein.

Two comments [21] were received concerning § 290.403(a)(4), which requires the utility to report hourly group loads for a *typical* weekday, *typical* weekend day, the group peak day, and the system peak day. The comments indicated that requiring hourly group loads for the *typical* weekday and weekend day would require a utility to collect hourly data for all days in order to average them to determine the "typical" period. Since the utilities will be collecting data for the reporting month by use of sample metering, the data necessary for averaging the hourly loads to determine the typical day loads will already be available. If sample metering is not undertaken under § 290.404, the regulations as revised and issued in this order require that these data be provided on a best estimate basis and that these data not be expected to constitute actual hourly averages. The regulations retain the requirements for typical day reporting. However, some clarifying amendments have been made to the terms used in this section.

One comment [22] suggested alternative wording for § 290.403(b) that would provide a utility with several options regarding load variables to be used in designing load research samples. We believe this comment is the result of a misinterpretation of the regulation as issued. The use of the phrase "group loads at the time of system and customer group peaks" in § 290.403(b) is intended to reduce the stringency of the accuracy requirement by making it applicable only to certain hours of the day rather than to the entire 24-hour period. This provision, a change from the rule as originally proposed, is discussed on pages 74 and 75 of the preamble to the final rule. As the comment points out, in the absence of load research data, the group loads at these times will not be known and therefore cannot be used in designing a specific sampling procedure. However, we believe that the time at which the system and group peaks occur can be estimated well enough to identify those time periods during the day for which the target accuracy is specifically sought. The Commission will not undertake to specify or limit the load-related variables that a utility may use in designing sampling procedures to achieve the stated accuracy target.

One comment [23] suggested that the utility be required to supply information in § 290.403(c) on the procedures which it used for extrapolating information from the sample. The Commission believes that this additional information is not essential to the load data reporting and declines to increase the reporting requirements further by changing the rules as suggested.

Several comments [24] suggested that the § 290.403(d) imposed unnecessary burdens by requiring large utilities to provide class load data for each reporting period based on actual measurements taken during that reporting period. One comment noted that the section provides relief for smaller utilities by requiring actual load measurement only once every five years, and suggested that a similar provision be provided for larger utilities. The comment argued that such a provision would permit continuous use of equipment and personnel between filing years without detriment to the quality of the resulting load data. According to the comment, the load characteristics of the mass of customers served under a given rate schedule or the end-use characteristics of a given electric device do not change significantly from one year to another. In its proposed rule, the Commission would have permitted a five-year period for load research activities for all utilities. Several comments objected to

[17] EEI.

[18] Public Service Co. of Colorado.

[19] Southern Company Services, Inc., *et al.*, Alabama Power Co., Consumers Power Co., Public Service Co. of Colorado, and AEIC.

[20] Hawaiian Electric Co., and AEIC.

[21] Alabama Power Co., and Appalachian Power Co., *et al.*

[22] Hawaiian Electric Co.

[23] Detroit Edison Co.

[24] Southern Company Services, Inc. *et al.*, Alabama Power Co., and EEI.

this provision on the grounds that the data would be too stale and that ongoing load research would be discouraged. After assessing both the comments on the proposed rule and the more recent comments, the Commission has concluded that the possible cost savings resulting from rotational metering outweigh the possible disadvantages of allowing it. The advisability of such a course is buttressed by amendments here made to § 290.404 which now requires sample metering of customers served under separate rate classes. Section 290.403(d) is being amended to permit a four-year period for actual measurement for utilities having annual retail sales greater than one billion kilowatt-hours. The five-year period applicable to smaller utilities is being retained.

The extensive comments on § 290.404 are summarized and discussed separately in the next section.

Section 290.405 of the final rule issued June 5 provided that a utility could use borrowed load data if granted an exemption under § 290.601 except that, for the November 1980 filing, it could use borrowed load data without obtaining such an exemption. A few comments [25] recommended that a utility be permitted to use borrowed load data without ever being required to apply for an exemption under Subpart F. We believe that the exemption process must continue to apply to sample metered load data for large rate classes defined in § 290.404(a) for the reasons discussed on pages 99 through 100 of the preamble to the June 5 final rules. However, for load data supplied on a best estimate basis for end-use classes and small rate classes, defined in § 290.404(b) and § 290.404(d), respectively, we believe it desirable for a utility to use load research borrowed from other utilities as a foundation for reporting on such end-use classes or small rate classes on a best-estimate basis, provided such data are adjusted properly for known differences relative to the original measurements. Section 290.405 has been revised to reflect this view.

One comment [26] was received on § 290.406(a) indicating that miscellaneous data required for specified customer groups would have to be estimated. These comments are correct regarding those end use customer groups specified in § 290.404(d) of the final rule issued June 5, and are also correct regarding those end use classes specified in § 290.404(b), as revised, to the extent that such classes are not served under separate rates. Accordingly, § 290.406(a) is being revised to require the reporting of actual data for customer classes for which there is a separate rate (including end-use classes) and estimated data for end-use classes for which there is not a separate rate.

One utility [27] suggested that a definition be added to § 290.406(a)(3) for the term "new customer." Section 290.401(e) defines "customers" as meters and makes this definition applicable to § 290.406. Therefore, we believe that no additional definition is required. By way of further explanation, we note that these "new customer" data are used to calculate certain unit costs which must be expected to be approximate. It is not essential that the count for new customers be precise.

Summary of Comments § 290.404

The majority of comments received on Part 290 concerned § 290.404 of Subpart D, defining the classes for which load and cost data are to be separately reported. Almost all of the parties discussed § 290.404(d) (end use classes); about one-third discussed § 290.404(f) (exemption for time of day customer groups). In connection with comments on § 290.404(d), many of the comments also discussed § 290.404(b), which required reporting of load data by major customer classes, and § 290.404(c), which specified the timing requirement for reporting by end use. Several parties commented on § 290.404(e), the extension provision for all other rate schedules and consumption patterns.

The most pervasive comment on both the end use classes specified in § 290.404(d), and the major customer classes, specified in § 290.404(b), recommended that the Commission use a definition of customer class based, as in the proposed rule, on whether the customer class is served under a separate, identifiable rate schedule. The major criticism of major customer class, reporting was that the designated major customer classes, represented revenue classifications and did not comport with the way utilities actually serve customers under rate schedules. [28] Four comments [29] pointed out that customers are classified for rate purposes on the basis of type and size of load and load patterns rather than on business characteristics. Those commenting on the major customer classes focused particularly on the categories "commercial use (office buildings, stores, shopping centers, etc.)" and "industrial use (factories, etc.)," and argued that many utilities use general service rate schedules under which factories as well as office buildings are served. Thirteen of the comments [30] specifically urged the Commission to use *rate* classes, not *revenue* classes, for reporting principal customer classes, because section 133 of PURPA requires collection of data for purposes of determining the costs of providing electric service by class of customer, if such classes are served under separate rate schedules. Another comment [31] questioned whether data should be reported for very broad classifications if these data are to be used to analyze rate structures under Title I of PURPA. Yet another comment [32] argued that section 133 should be implemented so as to produce data applicable to cost allocation rather than aggregate statistical reporting, and that the broad major customer classes specified in §290.404(b) were insufficient in this regard. Several other parties [33] urged that the major customer class definition track Form 1 reporting, so that utilities could classify customers, as between small and large commercial and industrial loads, as they normally report them on Form 1, rather than having to separate the load by type of business activity. Form 1 allows the utility to categorize "small" versus "large" commercial and industrial sales as they regularly would classify those sales so long as the customer demands for the smaller category are not greater than 1,000 kilowatts.

Several respondents [34] criticized the requirement in §290.404(c)(2) that load data be reported for the specified end use classes starting in 1984 even if the utility has no separate rate schedule serving that end use. The comments argued that, since the categories do not generally correspond to rate schedules, customers having the specified end uses would be difficult, if not impossible, to identify. The comments argued that the

[25] See, *e.g.*, comments filed by UGI Corporation.

[26] Portland General Electric Co.

[27] Public Service Co. of Colorado.

[28] *See, e.g.*, comments filed by Detroit Edison Co., Dallas Power and Light Co., Southern Company Services, Inc., *et al.*, Hawaiian Electric Co., and Appalachian Power Co., *et al*.

[29] Hawaiian Electric Co., Commonwealth Edison Co., Appalachian Power Co., *et al.* and the New York Public Service Commission.

[30] Dallas Power and Light Co., Texas Electric Service Co., Public Service Electric and Gas Co., Pennsylvania Power and Light Co., Philadelphia Electric Co., Consumers Power Co., Tampa Electric Co., EEI, Montana Power Co., Illinois Power Co., Appalachian Power Co., *et al.*, Alabama Power Co., and Texas Power and Light Co.

[31] Southern Company Services, Inc., *et al.*

[32] EEI.

[33] Baltimore Gas and Electric Co., and joint comments filed by Portland General Electric Co. Pacific Gas and Electric Co., and Puget Sound Power and Light Co. (Portland General Electric Co., *et al.*).

[34] Massachusetts Electric Co. and Narragansett Electric Co. (Massachusetts Electric Co., *et al.*).

regulations as promulgated would require complete surveys of all retail customers to determine which had the specified end uses; that customers responses to those surveys could not be relied upon; and that the surveys would have to be conducted continually in order to maintain current information on appliance ownership. Several of the comments [35] recommended that reporting of end-use load characteristics be limited to those loads that are served on separate rates or riders, or that are otherwise identifiable as significant components of the total sales or demands of the utility.

Only one comment [36] supported §290.404(d) as issued for comment. All other comments were adverse, either with respect to the specific list of end uses or with respect to the inclusion of such a list in the regulations. Comments on the specific list of end use categories included suggestions that residential space cooling be included [37] that basic residential use and low-income residential use be included,[38] that public education or schools be reported [39] and that wholesale for resale service be reported as a separate class.[40] One comment [41] urged the Commission to limit the metering requirement to customers falling into one or more of the following categories:

Residential space heating
Residential space cooling
Non-residential space heating
Non-residential space cooling

A number of utilities [42] stated that they had so few customers in the designated categories of master-metered multiple dwellings, electric heat, large electric drive motors, or irrigation, that separate load data on these categories would not be useful. Many parties opposed the inclusion of any end use list in the regulation. They articulated the following principal arguments:

1. No single list is applicable to all utilities in terms of the criteria stated by the Commission.[43]

2. The categories are not mutually exclusive.

3. There is no indication that the end uses in such a list would be cost-distinctive.

4. Numbers of customers in some end-use categories will be so small that statistical sampling would not meet the accuracy requirement.

5. Requirements based on a list of end uses would eliminate the usefulness of current load research results.

6. Collection of load data by end use will not implement the purposes of Title I of PURPA.

The comments included the following principal recommendations:

1. End uses should be specified by the State regulatory authorities. [44]

2. The regulations should specify the criteria for end-use selection, not the specific end-uses themselves.[45]

3. Each utility should specify the end use categories that have a significant system impact.[46]

4. To be a category for required reporting, an end use should account for at least five percent or ten percent of the system's kilowatt-hours.[47]

5. The end use requirement should be completely eliminated, since it would not improve costing and rate design for class rates, which are based on total usage, not end uses.[48]

Several comments [49] suggested alternative ways to impose separate load data reporting by customer class. One comment [50] suggested that the Commission require the load data, as well as the other data on number of customers and kilowatt-hour sales, for any retail rate schedule representing more than three percent of the energy supplied at retail. The comment suggested that the utility be required to include in its sampling plan data on such items as a customer's income level, usage of electrical appliances or devices, and kilowatt-hour usage in order to facilitate development of data on different consumption patterns within such rate schedules. It was further suggested that load data for customers served under rate schedules representing less than three percent of retail sales and data on the major customer classes specified in § 290.404(b) be reported on a best estimate basis unless a State regulatory authority required sample metering for these categories.

One comment [51] proposed that utilities be required to provide best estimates (not sample metered data) for major end uses and sample metered data (not best estimates) for major customer classes and rate classes. The comment suggested that the State regulatory authority use criteria established by the Commission to evaluate major end use classes proposed by the individual utilities, in order to account for regional and local differences in utilities' loads.

One comment [52] asserted that because inclusion of the end use sample metering requirement in the June 5 final regulations provided only limited opportunity for comment, inclusion of that section violated basic procedural requirements applicable to rulemakings. The comment also alleged that the record in this proceeding did not justify requiring sample metering for end-use groups and that the Commission had not adequately supported its decision to include this provision in the final rule. Two comments [53] asserted that the Commission lacked any authority in any circumstance to require reporting by end use.

A large proportion of comments suggested that § 290.404(d) could be interpreted to require metering of individual end use loads inside a customer's premises; *i.e.*, appliances. Many of these comments contained extensive arguments against such submetering; others requested that the point be clarified.

Seven parties [54] criticized the provision in § 290.404(e) extending until 1985 the requirement to report load data for rate classes or different consumption patterns not otherwise covered in § 290.404 (b) and (d). Most of these respondents believed the extension should be changed to an exemption because collection of load data on each and every rate class, including small classes, would be expensive and would

[35] *See, e.g.*, comments filed by Detroit Edison Co., and Central Maine Power Co.

[36] National Retail Merchants Association (NRMA).

[37] Detroit Edison Co., Georgia Power Co., Florida Public Service Commission, Salt River Project, and Appalachian Power Co., *et al.*

[38] National Consumer Law Center.

[39] Clark County School District.

[40] EEI.

[41] Appalachian Power Co., *et al.*

[42] See, *e.g.*, comments filed by Detroit Edison Co., Southern Company Services, Inc., *et al.*, Tampa Electric Co., Puget Sound Power and Light Co., and Georgia Power Co.

[43] Citing the preamble to the final regulations at page 70.

[44] Portland General Electric Co., Georgia Power Co., Tacoma Dept. of Public Utilities, Arizona Public Service Co., Montana Power Co., New York State Electric and Gas Corporation, and joint comments filed by Central Power and Light Co., Public Service Co. of Oklahoma, Southwestern Electric Power Co., and West Texas Utilities Co. (Central Power and Light Co., *et al.*).

[45] Pacific Power and Light Co., Hawaiian Electric Co., and Carolina Power and Light Co.

[46] Southwestern Public Service Co., Public Service Co. of Indiana, and North Carolina Utility Commission.

[47] Iowa-Illinois Gas and Electric Co., Northeast Utilities Service Co., and Central Power and Light Co., *et al.*

[48] Joint comments filed on behalf of Arkansas Power and Light Co., Arkansas-Missouri Power Co., Louisiana Power and Light Co., Mississippi Power and Light Co., and New Orleans Public Service, Inc. (Arkansas Power and Light Co., *et al.*).

[49] *See, e.g.*, comments filed by Southern Company Services, Inc., *et al.* and Portland General Electric Co., *et al.*

[50] Southern Company Services, Inc., *et al.*

[51] Portland General Electric Co., *et al.*

[52] Appalachian Power Co., *et al.*

[53] Georgia Power Co. and Gulf States Utilities.

[54] Dallas Power and Light Co., Tampa Electric Co., Georgia Power Co., Hawaiian Electric Co., Public Service Co. of Colorado, Public Service Electric and Gas Co., and National Consumer Law Center.

not be cost effective. Two utilities [55] requested that the Commission redefine the customer classes to which the extension would apply by redefining "different consumption patterns" within a class. The comments agreed that otherwise utilities might eventually be required to meter each customer served since each customer would have a different consumption pattern. One of the comments suggested changing the words "a separate rate" to "a separate rate schedule" in order to make the extension more precise.

Another party [56] opposed the extension in § 290.404(c) on different grounds. It argued that the data collected under Part 290 would be of "minimal value" if an extension were granted to 1985 because the State regulatory authorities will have completed their review of utility rates under other sections of Title I of PURPA within two or three years of enactment; *i.e.*, well before these data would be available. It suggested that, at the very least, best estimates be reported by 1980 and sample metered data by 1982 so that some use could be made of these data during rate structure evaluations by State regulatory authorities. It also questioned the Commission's authority to grant the extension in § 290.404(e) as well as the small utility extension in § 290.103(d) for utilities with less than 1 billion annual kWh sales, arguing that extensions can be granted only on an individual, case-by-case basis rather than on a blanket basis.

More than half [57] of the twenty or so comments addressing the exemption in § 290.404(f) from reporting load data for customers served under time of day (TOD) rates, supported the exemption without elaboration. One utility [58] favored the exemption but indicated that some voluntary submissions of load data on TOD customers would be useful. Another utility [59] suggested that the exemption be broadened to include any utility "whose long-run marginal costs are less than the long-run average costs." Yet another utility [60] suggested that the exemption be broadened to include all customer groups for which it can be shown that TOD rates are not cost-beneficial. Another utility [61] proposed that any customer using load management techniques, either self-imposed or imposed by the utility, should also be exempted. A State regulatory authority [62] recommended that the exemption be expanded to include customers served under interruptible or controlled service rates. Another utility [63] recommended that the exemption be expanded to include certain information not unique to TOD customers or information that is available on customer groups for which sample metering is required. Similarly, another party [64] felt that requiring in § 290.406(a) that the utility report kilowatt-hour sales and number of customers for TOD customers was burdensome and inconsistent with the exemption from collection of load data for such customers. All the comments opposing the exemption in § 290.404(f) [65] observed that a useful source of information would be lost if load data were not obtained on TOD customer groups.

Analysis of Comments and Revisions to § 290.404

The Commission is revising § 290.404 in its entirety based on the extensive comments received on the requirement in § 290.404(d) to report sample metered load data by end use; based on the numerous comments received on the best estimate reporting requirement in § 290.404(b) for major customer classes; and based on the interrelationship between these two sections.

Section 290.404, as revised, adopts the suggestion contained in the majority of the comments, that load data be reported for customers served under separate rate schedules.[66] The Commission believes that reversion to data collection based on rate classes is the preferable course because the data collected under section 133 will aid in evaluating rate structures and will provide cost allocation information necessary for formulating alternative rate designs. As revised, this provision tracks more closely the statutory language of section 133(a)(2) which requires reporting of representative load data for "each customer class for which there is a separate rate."

When the Commission proposed in its Notice of Proposed Rulemaking that separate load data be collected for each customer class for which there is a separate rate, several utilities complained that they would be required to collect load data for too many rate classes.[67] Based on these comments and on suggestions received during the most recent comment period that the Commission limit the number of rate classes for which reporting would be required, the Commission has established a percentage size limit to determine for which rate classes sample metered load data will be required. This size limit is to be applied to those rate classes existing at the end of the year preceding the reporting year. Sample metered load data will be required for customers served under separate rate schedules only if those groups have kilowatt demands of ten percent or more of any of the utility's monthly peaks or constitute ten percent or more of the utility's retail sales in any month during the reporting period. For purposes of establishing which rate classes meet the size limit, the regulations require that the utility aggregate all classes served under rate schedules which are identical except for the differences in the customer charge or the initial block intended to reflect differing transmission or distribution costs associated with the particular location of the community served. All other rate classes must be reported on a best estimate basis only.

Some comments objected to reporting load data separately for rate schedules identical except for a varying customer charge or a varying initial block. Under § 290.404(c), the utility will be required or permitted to report such rate classes as a combined class depending on whether they constitute a large or a small rate class in the aggregate. However, such combined reporting is subject to the jurisdictional reporting requirements of § 290.401(b). This provision for combined reporting, in conjunction with the ten percent size limit on rate classes to be reported on a sample metered basis, should reduce the groups for which most utilities must sample meter to a manageable number.

Nearly all of the comments opposed the requirement that load data be collected and reported by end use. Perhaps the strongest objection reflected an understandable confusion about whether the rules required submetering of customers' premises to determine the particular appliance load or whether the requirement pertained to customers' total loads, including the specified end use. The second major objection was that the end use categories were not mutually exclusive. Yet a third principal

[55] Hawaiian Electric Co. and Public Service Co. of Colorado.

[56] National Consumer Law Center.

[57] Iowa Southern Utilities Co., City Public Service Board of San Antonio, Public Service Commission of Wisconsin, Central Power and Light Co., *et al.*, Florida Power and Light Co., Texas Electric Service Co., AEIC, Consumer's Power Co., Arizona Public Service Co., Carolina Power and Light Co., and Texas Power and Light Co.

[58] Detroit Edison Co.

[59] Southwestern Public Service Co.

[60] Houston Lighting and Power Co.

[61] Missouri Power and Light Co.

[62] Michigan Public Service Commission.

[63] Central Maine Power Co.

[64] EEI.

[65] NRMA, Florida Public Service Commission, National Consumer Law Center, Northeast Utilities, and Public Service Co. of Colorado.

[66] See, *e.g.*, comments of EEI, and Southern Company Services, Inc., *et al.*

[67] See preamble to the final regulations at page 67.

objection was made that the list of end uses was inapplicable to specific utilities' loads either because the extremely limited number of customers in the end use category required sample metering of almost every customer within the group or because major loads of the utility, like cooling, were not included in the list. Although the requirement for reporting by end use classes has been retained in the final rule, substantial changes have been made in the rule in order to clarify its coverage and to eliminate the sample metering requirement for end use classes.

The Commission has decided to retain the reporting requirement for the end use groups for several reasons. The statutory language of section 133(a)(1) of PURPA suggests that one of the purposes for data collection under this section of Title I is to facilitate costing for subclasses displaying distinctive consumption patterns within a rate class. If a utility serves large numbers of customers with many different load shapes under a single rate, load data reported for the rate class as a whole would not provide sufficient information to determine the costs of serving different consumption patterns within the rate class and to analyze the extent to which more than one rate for the class would more closely reflect the costs of serving customer groups within the rate class which have uniquely different load shapes. Cross-subsidies within rate classes could not be detected. One way to remedy such a deficiency and identify groups with different consumption patterns is to group customers by their end uses and to require separate reporting for those end use groups.

The second and even more compelling reason for retaining load data reporting for end use groups is to provide information useful for testing the cost justification for rate blocks within a rate schedule. Such an exercise is important both for determining the reasonableness of current blocking and for designing rates that may be used in lieu of time-of-day rates which may not be cost effective for some customer groups because of high metering costs. Blocked rates could be designed to reflect the costs imposed by the daily load pattern for certain end uses. For example, if residential space heating were on the system's daily peak during the winter, the data could be used as the basis for arguing for a seasonal rate for residential customers with an inverted tail block for the winter season. We recognize that load information for the different consumption patterns within a class of customers served on time-of-day rates is not necessary for time-of-day rate *design*. However, such data may facilitate the transition to time-of-day rates by helping to predict the level or revenues to be expected under time-of-day rates and the expected changes in overall class load shapes that may result from instituting time-of-day rates.

The end use classes in the final rule have been clarified to refer to the total loads of customers with the particular end use; restructured to be mutually exclusive; and limited to certain end uses within the residential and commercial categories. Rather than retain the full list of end uses proposed in the final regulations issued June 5, we have limited the categories to those representing a large portion of the residential and commercial loads and those representing identifiable and homogeneous load shapes within rate classes. A size floor has been placed on the end use classes to avoid reporting load data for small end use classes. The end use class need not be separately reported if it represents less than five percent of the utility's retail energy sales in every month of the reporting period.

The first end use class contains "residential customers not using electricity for either water heating or whole-residence space heating." This group is intended to capture, among other things, basic use by residential customers. By comparing the daily load shapes of this customer group for the various seasons of the year, the pattern of air conditioning use may be distinguished from basic use. This category was included both to satisfy the comments that data on basic residential use characteristics were necessary to test the cost-effectiveness of lifeline rates [68] and to respond to many of the southern utilities' comments that we had excluded residential air conditioning, which is a major portion of their loads, from the specified end use classifications.

We have declined to provide more explicitly for separate collection of load data on air conditioning for several reasons. The major one is the difficulty in categorizing customers with air conditioners. Unlike space heating, there are wide variations in the number and types of air conditioners, ranging from single room window units to central air conditioners. Also, unlike space heating, there is seldom a separate rate for air conditioning. Such a rate would constitute, in most cases, a surcharge rather than a discount such as might be established by a summer peaking utility for a winter space heating load. Customers could not be expected to identify themselves by applying for such a rate. A utility would have great difficulty keeping track of air conditioning customers it had identified especially because room air conditioners can be installed and removed with relative ease. However, these regulations do not bar southern utilities from conducting load studies on their own initiative in order to determine air conditioning loads for their own systems.

The second category of end-use customers is "residential customers using electricity for water heating but not for whole-residence space heating." This category contains customers with basic residential use plus electric water heating. The third category is "residential customers using electricity for whole-residence space heating and other uses (includes but is not limited to all-electric homes.)" This category contains customers with basic residential use plus electric water heating and space heating. All-electric homes would be included in this third category along with homes with gas appliances (other than for water or space heating) for cooking and/or clothes drying. We understand from the comments that most customers with electric space heating also have electric water heating; thus, in order to avoid appliance metering, we have combined these two end uses in the third category. General load shapes for water heating can be obtained by comparing category one to category two, and general load shapes for space heating can be obtained by comparing categories two and three.

The fourth category is "customers operating mastermetered multiple dwellings." To the extent there remain any master metered multiple dwellings on a utility's system, it is important to identify the load shapes for this group separately. Electricity consumption by customers in this category is likely to be less responsive to price changes than consumption by most other customers served with master metered multiple dwellings under a general service rate schedule because the utility's actual customer cannot control occupants' consumption and the final user generally pays for electricity only indirectly as a portion of the rent. Separate identification of the load characteristics of mastermetered multiple dwellings will aid in determining under section

[68] Comments of National Consumer Law Center. However, its request for load data on daily use patterns separating out low-income residential customers will not be adopted. Such reporting is not required under section 133, and the Commission declines to impose such an additional burden on the utility at this time.

115(d) of Title I of PURPA whether this form of billing should be continued or instituted.

The fifth and sixth end use categories are, respectively, "customers operating commercial office buildings not using electricity for primary space heating;" and "customers operating commercial office buildings using electricity for primary space heating (includes but is not limited to all electric buildings)." These are the only categories for nonresidential end uses retained in the final regulation. The difficulties with identifying the residential air conditioning load as a separate load apply equally to commercial office buildings. In addition, the air conditioning load is not separately identified as a commercial end use class because in many areas of the country, this air conditioning has virtually complete saturation. We believe that these last two categories are the most easily identifiable of the nonresidential loads and represent categories for which separate rates have already been established by many utilities.

The Commission recognizes the need to proceed cautiously in requiring separate reporting of load data in view of the costs imposed by such reporting requirements. We recognize that there are other categories within rate classes than those listed in § 290.404(d), *e.g.*, public schools.[69] The end use classes identified in these final regulations represent a first step in carrying out the statutory requirements of section 133. The Commission envisions that these rules will evolve as more is learned about rate structures through evaluations made at the State level.

The final regulations require sample metering only for large rate classes. Best estimate reporting rather than sample metering is required for small rate classes and for customers with the specified end uses. Our decision regarding end use metering is based on many comments regarding the problems inherent in identifying customers with the specified end uses. However, if an end use is served under a distinct rate schedule and it qualifies as a large rate class, sample metering will be required. We recognize that the requirement to meter only large rate classes may create an incentive for utilities that have several, separate, large rate classes for end uses (including but not limited to those specified in § 290.404(d)) to collapse those classes into a single, broad rate class so as to avoid having to meter such end uses separately. If it appears that such rate revision is being undertaken solely as a result of the regulations on sample metering, a revision to Part 290 will be in order or extensions granted to the utility for reporting end uses may be withdrawn.

The schedule for reporting best estimates and sample metered data is similar to that established in the June 5 final regulations. In 1980, load data for large rate classes are to be submitted on a best estimate basis; in 1982 and subsequent filing years, they are to be submitted on a sample metered basis. For small rate classes, best estimates are required beginning in 1982. For end use classes, best estimates are required beginning in 1980. The Commission wishes to avoid any duplication of reporting for rate classes and end use classes. Therefore, § 290.404(e) provides that, if an end use class corresponds to a rate class and qualifies under the 10 percent size limit, it should be treated as a rate class, not as an end use class, for purposes of complying with Part 290.

A new paragraph has been added to § 290.404 to define more clearly what is meant by "best estimate" reporting and to differentiate between the expected quality of the data for large rate classes, small rate classes and end use classes. All best estimate load data are to reflect the utilities' best judgment. The Commission expects that the quality of best estimates will improve over time and that utilities will attempt to stratify their rate classes so that the sample selection may include some consideration of end use loads covered by the end use classes.

As we indicated in the preamble to the final rules, we recognize that borrowing load data from other utilities in order to estimate loads for large rate classes may produce unacceptable estimates. For estimating load patterns for the end use classes, however, we would expect that borrowed data on specific appliance loads, obtained from either industry-wide or regional load research, could be used as a basis for the estimates when combined with information about appliance saturation on the reporting utility's own system. Similarly, borrowed data for the small rate classes could provide good and improving estimates of load shapes for these classes.

In order to ensure that best efforts are made to estimate load data where sample metering is not required, the final regulations estop a utility beginning in 1982 (for end use classes) from challenging its best estimate as insufficiently reliable for use in evaluating and determining rates under title I of PURPA.

We believe, as a legal matter, that sections 133(a)(1) and 133(a)(2) of PURPA require that cost, hence load, data be reported for "*each* electric consumer class" served under a separate rate including "different consumption patterns" within such class. We realize, on the basis of information presented to us in this proceeding, that severe, practical difficulties exist in meeting this requirement in the time period allowed for first reporting. The extension mechanism provides a device for harmonizing the statutory directive with these practical considerations. Since we believe that Congress desired that a reasonable reporting program be instituted, we have used our extension authority to try to reduce the difficulties of adhering to all of the reporting requirements in the statute by the first filing. Thus § 290.404(e) of the final regulations issued June 5 contained an extension to 1985 for reporting load data for rate classes and for different consumption patterns not specified in § 290.404 (b) and (d) of that rule.

We have now determined to shorten this extension in the case of small rate classes. Beginning in 1982 the utility will be required to report load data for small rate classes. This new reporting requirement will enable all users of the data to aggregate the class data to system-wide data so that review for consistency is facilitated. Additionally, rate classes that fall into this category, although "small" when viewed individually, may constitute a substantial portion of the total load. We do not believe that the costs of sample metering each of the small rate classes are warranted since, as many utilities have indicated, many of these loads are predictable and can be estimated fairly well using means other than sample metering. The reporting is thus required only on a best-estimate basis. The Commission has provided procedures in § 290.603 whereby a party may make a showing under § 290.603(a)(3)(i) that such good cause no longer exists in regard to a particular utility.

The Commission is also granting a reporting extension in § 290.404(f) to January 1, 1988, for all different consumption patterns wholly contained within a rate class and not specified in § 290.404(d). Because the costs of sample metering for large rate classes and providing estimates for small rate classes and those end uses specified in § 290.404(d) are expected to be extensive, we do not believe that requiring utilities to incur additional costs for estimating loads for additional end uses is warranted at this time. As we have stated on several occasions, we intend to re-evaluate the extension for reporting additional end use classes

[69] Clark County School District.

provided in paragraph (f) of revised § 290.404 in order to determine whether good cause continues to exist for granting it. The Commission will undertake such a re-evaluation after reviewing the 1980 filings made under this part.

We disagree that an extension or exemption can be granted only on a case-by-case basis. The Commission believes that granting blanket extensions and exemptions is an appropriate procedure for determining the schedule of compliance with section 133. Although good cause must exist with regard to each utility before an extension may be granted, the statute does not require that each and every utility demonstrate such good cause. For the reasons discussed on pages 71 through 73 of the preamble to the June 5 regulations, the Commission believes that good cause exists to grant an extension to 1988 on an industry-wide basis for reporting end use classes not specified in § 290.404(d) which account for less than five percent of the utility's retail electric sales for every month of the reporting period and which constitute different consumption patterns within the rate class. The eight-year extension will provide the Commission ample time to determine the benefits to be gained from requiring separate reporting for these end use classes.

The Commission also believes that good cause exists to grant such an industry-wide extension for such end use classes if they account for more than five percent of its retail sales in any such month and are not required to be reported in § 290.404(d). This conclusion is based on the showings by several utilities that reporting for additional end uses is a difficult and costly process. Neither sound administrative principles nor the words of the statute require us to compel every utility to come in and certify that the general grounds for this extension for large, unspecified end use classes (over five percent, not specified in § 290.404(d)) apply to it. Nor would it be feasible, in the time available, for the Commission to review and compare existing rate schedules and large, unspecified end use classes for all utilities in order to satisfy itself completely that the generally-applicable good cause exists regarding each and every utility, and that the extension will have precisely the same effect in every instance. However, the rationale for the extension gives every reason to assume that the good cause for the extension shown by several utilities is valid industry-wide; no comment has identified a particular large, unspecified end use class to which the rationale does not apply.

An additional reason for granting the extension regarding additional end uses which cause different consumption patterns within a rate class and which exceed the five percent size limit is the Commission's inability to devise a satisfactory, generally-applicable quantitative test by which such end uses can be identified as important to the load profile of each particular utility. Nor has any comment suggested such a test. (Indeed, such a general test would have to be cast in terms of deviations from a class norm, information which will not be known for most utilities until the 1980 or 1982 filings are made under this regulation.) To some extent the extension for end uses, as it applies to large, unspecified end use classes, is being granted to defer action until a day when the Commission is better able to give concrete definition to the statutory language concerning "different consumption patterns within a class." We observe that the only other proposed solutions to this definitional problem suggested delegating this responsibility to the electric utilities themselves or to the State regulatory authorities and non-regulated utilities. We note, however, that the utilities have now and will continue to have the authority to conduct such additional load research, surveys, and cost studies as they deem necessary to determine the costs of serving distinct subclasses; to our knowledge all the State regulatory authorities have the authority to compel such studies by the utilities within their jurisdiction. Nothing in section 133 or these regulations changes this situation. Furthermore, we note that the procedures provided in § 290.603 permit affected customers or the Secretary of Energy to seek withdrawal of an extension in the case of a particular utility if they believe that an extension for a particular utility is not warranted. By granting extensions and providing this petition procedure, we have reserved to the Commission the authority Congress placed with us to interpret and apply this and the other provisions in section 133. The Commission emphasizes that good cause regarding large, unspecified end use classes is based primarily on administrative considerations and that it has not prejudged the extension's applicability, on grounds relative to particular utilities, for purposes of acting on applications for withdrawals submitted under § 290.603.

Section 290.404(h) contains an exemption for customer classes served under time-of-day rates. The exemption appeared as § 290.404(f) in the June 5 final rule and is being retained for the reasons articulated on page 73 of the preamble to that rule. The Commission notes that, even though some valuable data may be lost due to the extension, utilities are not barred from collecting these data on their own initiative or upon order of the State regulatory authority. For the reasons articulated concerning blanket extensions, we do not believe that granting such a blanket exemption is procedurally incorrect. However, we have provided procedures in § 290.603 whereby a party can seek to have the exemption withdrawn for a particular utility if the party believes it is no longer valid for that utility.

Subpart E

One comment [70] recommended that § 290.502 be modified so that a utility need not report calculated marginal costs unless specifically required to do so by its State regulatory authority. The Commission addressed the issue of calculated vs. raw data reporting beginning on page 9 of the preamble to the final regulations issued June 5. For the reasons stated therein, the Commission will continue to require that marginal costs be calculated.

Another comment [71] contended that Table 2 ignores certain important distinctions needed for the calculation of marginal costs. For example, the comment contended that the table is deficient because it makes no provision for the "location of facilities relative to the customer" in presenting marginal cost information. It is our understanding that the comment suggested a refinement rather than an amendment of error in the reporting requirements for marginal cost calculations. There is no bar to a utility's including such a refinement in its calculations. However, the Commission declines to impose such a requirement on all filing companies. This comment also suggested that Table 2 show only one customer class since the marginal dollar per kilowatt will be identical for all classes for generation and transmission data. The Commission has issued both Table 1 and Table 2 in a format that will accommodate various methods of costing undertaken by parties complying with these regulations. In doing so it has imposed no requirement that the generation and transmission costs per kilowatt differ among customer groups if the submitting utility believes such costs to be identical.

[70] Hawaiian Electric Co.

[71] Southwestern Public Service Co.

Another comment [72] urged the Commission to limit marginal cost calculations to those customer classes for which sample metering is required. The Commission believes that the metering requirement will impose a heavy burden on many utilities and is thus limiting the classes for which sample metering is required. Nevertheless, costing data, albeit on a best-estimate basis, will be retained for other customer classes so that complete rate evaluations can be carried out under Title I of PURPA.

Subpart F

One party [73] argued that the eighteen-month requirement in § 290.601 for submitting an exemption request to the Commission would prohibit use of the compliance plan approach advocated in its comments on the proposed rule. The comment argued that, under § 290.601, a State regulatory authority would be required to receive the exemption request two years prior to the time the filing is required under § 290.102 in order to review the request prior to the Commission's acting upon it. The Commission deems the eighteen-month period necessary for allowing time for notice and comment and Commission analysis and action on exemption requests by utilities. Imposition of a shorter time period would not provide a utility denied an exemption adequate time to supply the necessary information. The Commission believes that concurrent review by the Commission and the State regulatory authority is sufficient to implement the reporting requirements in Part 290 and declines to amend the regulations as requested.

Two comments [74] suggested that § 290.601(d) require that a summary of the exemption application rather than the entire application be published in newspapers of general circulation. The Commission accepts this suggestion and is modifying the regulations accordingly. The Commission advises, however, that a utility which fails to provide an adequate summary of its exemption application will be deemed to have violated the notice provisions of this section and will be unable to avail itself of any exemption granted by the Commission in response to that application.

Additional Petition Procedures

Although this order amends only portions of Part 290, it is being published in its entirety, inclusive of the amendments discussed in this preamble, for easy reference. Parties are informed that under PURPA they have the right to Petition for Reconsideration on § 290.404 of Subpart D and on § 290.603 of Subpart F. Their right to further reconsideration of other sections of Part 290 has been exhausted. Petitions for Reconsideration of § 290.404 and § 290.603 will be considered if filed by October 29, 1979. In addition, parties are informed that the Commission is affording a right to rehearing on § 290.104 and that petitions must be filed by October 29, 1979.

Finally, parties are reminded that they may petition the Commission to amend its regulations in Part 290 at any time. The Commission's rules of practice and procedure regarding such petitions are codified in 18 CFR Part 1.

List of Parties that Submitted Comments

1. Detroit Edison Company
2. Dallas Power and Light Company
3. Texas Electric Service Company
4. Portland General Electric Company
5. Utah Power and Light Company
6. Southern Company Services, Inc., *et al.*
7. Tampa Electric Company
8. Pacific Power and Light Company
9. Puget Sound Power and Light Company
10. Electricity Consumers Resource Council
11. Minnesota Power and Light Company
12. Georgia Power Company
13. Association of Edison Illuminating Companies Load Research Committee
14. Alabama Power Company
15. Southwestern Public Service Company
16. Consumers Power Company
17. National Retail Merchants Association
18. Gulf Power Company
19. Iowa-Illinois Gas and Electric Company
20. Houston Lighting and Power Company
21. Florida Public Service Commission
22. National Consumer Law Center, Inc.
23. Central Maine Power Company
24. Salt River Project
25. Kansas City Power and Light Company
26. Tacoma Department of Public Utilities
27. Hawaiian Electric Company, Inc.
28. Arizona Public Service Company
29. Edison Electric Institute
30. Ohio Edison Company
31. Carolina Power and Light Company
32. Montana Power Company
33. Public Service Company of Colorado
34. Texas Power and Light Company
35. Washington Water Power Company
36. Northeast Utilities Service Company
37. Department of Energy
38. Illinois Power Company
39. Appalachian Power Company, *et al.*
40. New York State Electric and Gas Corporation
41. Missouri Power and Light Company
42. Iowa Southern Utilities Company
43. Arkansas Power and Light Company, *et al.*
44. National Association of Regulatory Utility Commissioners
45. North Carolina Utilities Commission
46. Public Service Electric and Gas Company
47. Baltimore Gas and Electric Company
48. Peninsula Power Company
49. Michigan Public Service Commission
50. Niagara Mohawk Power Corporation
51. Bangor Hydro-Electric Company
52. New York State Public Service Commission
53. Pennsylvania Power and Light Company
54. National Rural Electric Cooperative Association
55. Philadelphia Electric Company
56. Public Service Commission of Wisconsin
57. Debevoise and Liberman
58. Florida Power and Light Company
59. UGI Corporation, Luzerne Electric Division
60. GPU Service Corporation
61. City Public Service Board of San Antonio, Texas
62. American Public Power Association
63. Clark County School District, Las Vegas, Nevada
64. Public Service of Indiana
65. Central Power and Light Company, *et al.*
66. Public Utility District No. 1 of Snohomish Company
67. Massachusetts Electric Company, *et al.*
68. Northern States Power Company

(Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601–2645; Energy Supply and Environmental Coordination Act, 15 U.S.C. 791–798; Federal Power Act, as amended, 16 U.S.C. 792–828c; Department of Energy Organization Act, 42 U.S.C. 7101–7352, E.O. 12009, 42 FR 46267)

In consideration of the foregoing, the Commission is amending Part 290 of Chapter I, Title 18, Code of Federal Regulations, and is republishing Part 290 incorporating such amendments, as set forth below, effective October 29, 1979.

By the Commission.

Lois D. Cashell,

Acting Secretary.

1. Chapter I of Title 18 is amended by revising Subchapter K, Part 290 to read as follows:

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

PART 290—COLLECTION OF COST OF SERVICE INFORMATION UNDER SECTION 133 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

Subpart A—Coverage, compliance and definitions

Sec.

[72] Central Maine Power Co.

[73] NARUC.

[74] Debevoise and Liberman, and Appalachian Power Co., *et al.*

Authority: Public Utility Regulatory Policies Act of 1978, (18 U.S.C. 2601–2645); and the Federal Power Act, as amended, (16 U.S.C. 792 *et seq.*)

Subpart A—Coverage, Compliance and Definitions

§ 290.101 Coverage.

This part shall apply to each electric utility, in any calendar year, if the total sales of electric energy by such utility for purposes other than resale exceeded 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year.

§ 290.102 Compliance.

Each utility covered under this part shall gather and report information specified in Subparts B, C, D and E of this part as follows:

(a) *Information gathering and filing.* Each electric utility shall gather and report such information in accordance with § 290.103 and shall file an original and one copy of the information with the Federal Energy Regulatory Commission (Commission) and an additional copy of the information with any State regulatory authority that has ratemaking authority for such utility. The utility shall retain additional copies of such information for a period of 5 years from the date of filing with the Commission, shall make copies of such information available for public inspection at the principal offices of the utility and shall provide copies to the public at the cost of reproduction.

(b) *Form of the information.* Such information shall be submitted on suitable standard forms prescribed by the Commission or in any form otherwise determined by the Commission. With regard to specific items of cost information, if an account number from the FERC [1] Uniform System of Accounts is specified in Subparts B and C of this part, public utilities under the Federal Power Act shall file in accordance with the specified accounts. Any utility covered by section 133 of the Public Utility Regulatory Policies Act (PURPA) but not required to keep its books by the FERC Uniform System of Accounts may provide this information in accordance with the system of accounts presently employed, so long as all required individual items of information are fully defined and expressed in the same degree of detail as that required in the FERC Uniform System of Accounts.

(c) *Consolidated reporting by certain wholesale suppliers.* Consolidated reporting of such information shall be permitted as follows:

(1) Any electric power supplier qualifying under paragraph (c)(4) of this section may file a consolidated system report for the integrated system as a whole in lieu of individual reports for itself and its distributors which would otherwise be required under this part, if the distributors agree in writing to participate in the consolidated reporting and such written agreement is filed with the Commission at least 1 year prior to the date that such information is required to be reported. Where appropriate, information such as master metering practices and sales and property taxes shall be reported separately for each distributor.

(2) The electric power supplier and each distributor shall retain copies of such consolidated report for a period of 5 years from the date of filing with the Commission, shall make copies of such filing available for public inspection at its principal offices and shall provide copies to the public at the cost of reproduction.

(3) Any exemption, extension or withdrawal of an exemption or extension granted under Subpart F of this part to such electric power supplier shall be deemed to apply to all utilities which are a part of the integrated system and which are subject to reporting requirements under this part.

(4) In order to qualify for the consolidated reporting provisions of this section an electric power supplier must:

(i) Be a sole-source wholesale supplier to an electrically integrated system of distributors, some or all of which are also utilities subject to the reporting requirements of this part.

(ii) Have a direct role in establishing the specific resale rates charged by such distributors.

(d) *Extension for small utilities.* Each utility covered under § 290.101 but having total sales of electric energy for purposes other than resale of less than 1 billion kilowatt-hours in each of the calendar years 1976, 1977, and 1978 is granted an extension for the November 1, 1980 filing and shall not be required to make a filing pursuant to paragraph (a) of this section until June 30, 1982.

§ 290.103 Time of filing and reporting period.

Each electric utility shall gather and report information specified in Subparts B, C, D, and E of this part as follows:

(a) *Biennial filing.* Information required under § 290.102 shall be filed biennially in even-numbered years beginning in 1980. The filing in 1980 shall be made on or before November 1 of that year. Filings in 1982 and in each subsequent filing year shall be made on or before June 30 of that year.

(b) *Reporting period.* Except as specified in paragraph (c) of this section and in §§ 290.302(f), 290.402(c) and 290.402(e)(2) concerning certain information to be reported on a seasonal basis, the reporting period covered by the information shall be the calendar year immediately preceding the filing year, and information for previous years and projected information for future years, as required in Subparts C, D and E of this part, shall be reported on a calendar year basis.

(c) *Alternate reporting period.* Use of an alternate reporting period shall be permitted as follows:

(1) Except as provided in paragraph (c)(2) of this section, if a utility has gathered all of the information specified in Subparts B, C, D, and E of this part and has filed such information with its State regulatory authority in connection with a rate proceeding, the utility may file such information with the Commission in fulfillment of the filing requirements of paragraph (a) of this

[1] FERC accounts refer to FPC accounts so numbered.

section if the reporting period covered by the information is a 12 month period the end date of which does not precede January 1 of the filing year by more than 6 months.

(2) If the information gathered and filed with the State regulatory authority is incomplete with respect to any of the specifications of Subparts B, C, D, and E of this part, the utility shall not be permitted to file under this paragraph unless it files the additional information specified in such subparts using the same reporting period as specified under paragraph (c)(1) of this section.

(3) If a utility not subject to the jurisdiction of a State regulatory authority maintains accounting records other than on a calendar year basis, such utility may use such other basis as the reporting period for the information if such reporting period is a 12-month period the end date of which does not precede January 1 of the filing year by more than 6 months.

§ 290.104 Costs of compliance.

The cost of complying with the reporting requirements of this part shall not be allowed by the Commission in establishing rates for the sale of electric energy at wholesale under Part II of the Federal Power Act.

§ 290.105 Definitions.

The following definitions shall apply to this part:

(a) *State regulatory authority.* State regulatory authority is defined as any State agency which has ratemaking authority with respect to the sale of electric energy by any electric utility (other than such State agency) and, in the case of an electric utility with respect to which the Tennessee Valley Authority has ratemaking authority, such term means the Tennessee Valley Authority. The term State agency means a State, political subdivision thereof, and any agency or instrumentality of either. The term State means a State, the District of Columbia and Puerto Rico.

(b) *Retail regulatory jurisdiction.* Retail regulatory jurisdiction is defined as a jurisdiction or authority with jurisdiction not less than state-wide in area.

(c) *Predominant retail regulatory jurisdiction.* Predominant retail regulatory jurisdiction is defined as the retail regulatory jurisdiction in which the utility has its largest amount of total retail sales of electric energy, measured in dollars of revenue.

(d) *Voltage level.* Voltage level is defined as any of the several ranges of nominal voltage used on a given utility system for transmission and distribution of electric power, the levels to be separately identified to the extent necessary to account for significant differences in such cost factors as investment and losses attributable to providing service at the different levels. For most utilities, the levels of "transmission voltage," "primary distribution voltage," and "secondary distribution voltage" will provide adequate load and cost differentiation.

(e) *Typical day costs and loads.* For historic or reporting period information, typical day costs and loads shall be reported as the mean or mode of the hourly costs and loads for each hour for each weekday or weekend day in each month. For projected information, the typical day shall be any day in the month which the utility believes is representative of cost incurrence. Holidays shall be excluded from weekday determinations and the utility shall specify whether the mean or mode is reported.

Subpart B—Accounting Cost Information

§ 290.201 Rate base information.

Except as otherwise specified in this section, the utility shall report the balances at the beginning and end of the reporting period (and, if required by the retail regulatory jurisdiction, the average of the 13 monthly balances) for the following:

(a) *Plant accounts.* The balances in each account, by account (FERC Accounts 301 through 399).

(b) *Depreciation reserve.* The depreciation reserve (FERC Account 108) associated with each primary function; i.e., steam production, nuclear production, hydroelectric production—conventional, hydroelectric production—pumped storage, other production, transmission, distribution, general and common—electric.

(c) *Depreciation expense.* The depreciation expense (FERC Account 403) associated with each primary function; i.e., steam production, nuclear production, hydroelectric production—conventional, hydroelectric production—pumped storage, other production, transmission, distribution, general and common—electric.

(d) *Construction work in progress.* For construction work in progress:

(1) For each generation and transmission project under construction, which the utility considers major, the end of period account balance in FERC Account 107 and the following:

(i) A description of plant including appropriate functionalization; i.e., production, transmission, distribution, general, common, and other.

(ii) The starting construction date.

(iii) The expected completion date and estimated cost as of the in-service date.

(2) For the remaining projects and construction, the end of period account balance in FERC Account 107, grouped by primary function.

(e) *Prepayments.* A breakdown of the components of all prepayments (FERC Account 165).

(f) *Accumulated deferred income tax.* The amount of accumulated deferred income taxes, by account (FERC Accounts 281, 282 and 283).

(g) *Materials and supplies.* The amounts for materials and supplies (FERC Accounts 151 through 163).

(h) *Electric plant held for future use.* The amount for electric plant held for future use, itemized as to land and other, and functionalized (FERC Account 105).

(i) *Nuclear fuel materials.* The amounts for nuclear fuel materials (FERC Accounts 120.1 through 120.5).

(j) *Common utility plant and expenses.* Information as reported in FERC Form 1, *Annual Report,*[2] page 351, for Class A and B utilities.

§ 290.202 Operating expense information.

For operating expenses for the reporting period, the utility shall report the following:

(a) *Operating and maintenance expense accounts.* The balances in each account, by account, for operating and maintenance expenses (FERC Accounts 500 through 598 and 901 through 932). Additionally, the estimated hourly average energy costs (in cents per kilowatt-hour) incurred to supply the combined total load of all retail customers and those wholesale customers that are served under firm contracts shall be reported for a typical week day, a typical weekend day, and the system peak day for each month of the reporting period. Such average energy cost shall include variable operating and maintenance expense, fuel expense and the energy portion of purchased power expense.

(b) *Payroll.* The payroll associated with each operating and maintenance expense account, by account.

(c) *Taxes.* For taxes:

(i) All property taxes, payments in lieu of taxes, and other non-income and non-revenue related taxes (FERC Account 408.1).

(ii) Income and revenue related taxes (FERC Accounts 408.1 and 409.1).

§ 290.203 Income and revenue related tax information.

If applicable to the reporting period, the utility shall report the following

[2] FERC Form 1, *Annual Report* refers to FPC Form 1, *Annual Report.*

information necessary to calculate income and revenue related taxes for the reporting period:

(a) *Tax rates.* The applicable income tax rates and revenue related tax rates.

(b) *Differences in income items and deductions.* A specification of the differences in income items and deductions for Federal and State income taxes.

(c) *Itemized deductions.* An itemization of the Federal income tax deductions in addition to those contained in §§ 290.201 and 290.202; i.e., interest, tax depreciation above book depreciation, etc.

(d) *Adjustments to taxes.* Federal and State adjustments for such items as provisions for deferred income taxes, income taxes deferred in previous years, and investment tax credits, including the amortization and reporting period amounts.

§ 290.204 Rate of return information.

The utility shall report the following for the reporting period:

(a) *Capitalization.* Beginning and end of year balances for various components of total capitalization.

(b) *Costs of capital.* Costs of capital, including interest costs and book values of the various issues of debt and preferred stock book value and dividends for the various issues of preferred stock.

§ 290.205 Costing periods.

The utility shall design and report costing periods which group together contiguous hours of similar cost in an administratively feasible manner.

Subpart C—Marginal Cost Information

§ 290.301 General instructions for reporting marginal cost information.

The utility shall report all marginal cost information in accordance with the following general instructions:

(a) *Estimates of future costs and inflation factors used.* Except as otherwise specified, all estimates of future costs may be reported either in constant (base year) dollars or in current (expenditure year) dollars, and the assumed inflation factors shall be indicated.

(b) *Historic costs.* Except where an adjustment is specifically required, all historic costs shall be as recorded.

(c) *Designation of estimations.* All estimated historic and reporting period information shall be designated "Est."

(d) *Information not applicable.* All requested information not applicable to the utility's operations shall be designated "Not Applicable".

§ 290.302 Generation cost information.

For generation costs the utility shall report the following:

(a) *Production planning information for existing generating plants.* For the reporting period for each generating unit (or for each group of generating units with similar operating characteristics):

(1) Plant-unit identification. (If 2 or more units are reported as a group, identify each unit.)

(2) If jointly owned, the percent ownership of the unit's total capability.

(3) The kind of unit (steam, internal combustion, gas turbine, nuclear, conventional hydroelectric, pumped storage, or other).

(4) Estimated retirement date.

(5) Primary and secondary fuel types.

(6) Net dependable capacity (in kilowatts).

(7) Fixed operating and maintenance expenses (in dollars per kilowatt per year).

(8) Cost of fuel per kilowatt-hour of net generation at full load; i.e., when the unit is run at 100 percent of net dependable capacity (in cents per kilowatt-hour).

(9) Average cost of fuel per million Btu's burned.

(10) Average heat content of fuel burned (in Btu's per unit of fuel measure).

(11) Heat rates at 100, 75 and 50 percent of net dependable capacity (in Btu's per kilowatt-hour).

(12) Non-fuel variable operating and maintenance costs per kilowatt-hour of net generation (in cents per kilowatt-hour).

(13) Planned maintenance requirements (in days of maintenance per year).

(14) Equivalent forced outage rate (in percent).

(15) Minimum loading under normal operating conditions (in kilowatts).

(16) Time required to achieve full load from:

(i) A cold start.

(ii) A hot start.

(17) Start-up costs from a cold start (in dollars).

(18) Number of hours connected to load.

(19) Net generation, exclusive of plant use.

(20) If the unit is hydroelectric, the following information for each month of the reporting period:

(i) Net capability under average or median flow conditions (in kilowatts).

(ii) Net capability under adverse flow conditions (in kilowatts).

(iii) Monthly energy output under average or median flow conditions (in kilowatt-hours).

(iv) For hydroelectric units having storage capability, the usable storage capacity (in acre-feet or equivalent megawatt-hours).

(21) Capital costs, on an undepreciated original cost basis, as follows:

(i) Land and land rights, if such costs are incurred for the unit.

(ii) Structures and improvements.

(iii) Equipment.

(iv) Total capital costs.

(v) Cost per kilowatt of installed capacity.

(b) *Production planning information for planned additions to generating capacity.* For the first full year of commercial operation for each generating unit (or for each group of generating units with similar operating characteristics) which is planned to go into operation during the next 10 years:

(1) Plant-unit identification. (If 2 or more units are reported as a group, identify each unit.)

(2) If to be jointly owned, the planned percent ownership of the unit's expected capability.

(3) Kind of unit (steam, internal combustion, gas turbine, nuclear, conventional hydroelectric, pumped storage, or other).

(4) Planned date of commercial operation.

(5) Estimated earliest possible date of commercial operation.

(6) Estimated unit life.

(7) Primary and secondary fuel types.

(8) Expected net dependable capacity (in kilowatts).

(9) Annual estimated expenditures up to planned date of commercial operation, separating out AFUDC.

(10) Estimated fixed operating and maintenance expenses (in dollars per kilowatt per year).

(11) Estimated cost of fuel per kilowatt-hour of net generation at full load; i.e., when the unit is run at 100 percent of net dependable capacity (in cents per kilowatt-hour).

(12) Estimated average cost of fuel per million Btu's burned.

(13) Expected average heat content of fuel to be burned (in Btu's per unit of fuel measure).

(14) Estimated heat rates at 100, 75 and 50 percent of net dependable capacity (in Btu's per kilowatt-hour).

(15) Estimated non-fuel variable operating and maintenance costs per kilowatt-hour of net generation (in cents per kilowatt-hour).

(16) Expected planned maintenance requirements (days of maintenance per year).

(17) Expected annual equivalent forced outage rate (in percent).

(18) Expected minimum loading under normal operating conditions (in kilowatts).

(19) Expected time required to achieve full load from:

(i) A cold start.

(ii) A hot start.

(20) Estimated start-up costs from a cold start (in dollars).

(21) Expected number of hours connected to load.

(22) Expected net generation, exclusive of plant use.

(23) If the unit is hydroelectric, the following information for each month of the first full year of operation:

(i) Expected net capability under average or median flow conditions (in kilowatts).

(ii) Expected net capability under adverse flow conditions (in kilowatts).

(iii) Expected monthly energy output under average or median flow conditions (in kilowatt-hours).

(iv) For hydroelectric units having storage capability, the expected usable storage capacity (in acre-feet or equivalent megawatt-hours).

(24) Estimated capital costs as follows:

(i) Land and land rights, if such costs will be incurred for the unit.

(ii) Structures and improvements.

(iii) Equipment.

(iv) Total capital cost.

(v) Cost per kilowatt of installed capacity.

(c) *Factors affecting existing generating units.* For the existing generating units specified in paragraph (a) of this section, the following additional information:

(1) A description of any changes in engineering, regulatory or economic conditions (apart from general inflation) that are expected to affect significantly, during the next 5 years, values of any of the data items reported.

(2) A description of any economic, engineering or regulatory factors that interfered during the reporting period with merit order dispatching of the specified generating units and an assessment of the likelihood that those factors will continue to limit merit order dispatching during the next 10 years.

(d) *Planning method used.* A description of the system planning method or model used to determine the pattern of generating capacity additions specified in paragraph (b) of this section.

(e) *Other sources of information.* A list of any publicly available reports, documents and forms containing information about the utility's planned additions to generating or transmission capacity which were supplied within the previous 18 months to regional reliability councils or to State or Federal regulatory agencies.

(f) *Ten year resource projection.* For each of the next 10 years, estimates of the following at the time of each summer and winter peak as defined in § 290.402(c):

(1) The net dependable capacity available from system plants.

(2) The total capacity available through firm purchase agreements.

(3) The total firm obligations of capacity to other systems.

(4) The total system net dependable capacity (paragraphs (f)(1) plus (f)(2) of this section minus paragraph (f)(3)).

(5) The total system reserve capacity required.

(6) The total reserve capacity available from other systems through interchange or emergency agreements.

(7) The reserve capacity to be supplied by system plants (paragraph (f)(5) of this section minus paragraph (f)(6)).

(8) The net assured system capacity (paragraph (f)(4) of this section minus paragraph (f)(7)).

(g) *Net annual cost of the generating unit or units that will be installed to meet increases in peak demand.* The estimated net annual cost (in dollars per kilowatt) of the generation unit or units most likely to be installed by the utility during the next 10 years to meet increases in peak demand. The net annual cost shall be defined as the additional carrying charges for the unit less any fuel savings that may occur as a result of the unit's addition. The calculation should take into account the life cycle costs of the equipment being analyzed. As an alternative to supplying information on the specific generation facility selected, the utility may provide the estimated net annual cost of a 50 or 100 megawatt facility of the capacity type selected.

§ 290.303 Energy cost information.

For energy costs, the utility shall report the following:

(a) *Typical hourly marginal energy costs.* Hourly marginal energy costs (in cents per kilowatt-hour) for a typical weekday, a typical weekend day, and the system peak day for each month of the reporting period and for each month of the next 5 years. Marginal energy cost at any hour shall be defined, for purposes of fulfilling the reporting requirements of this part, as the cost of fuel and variable operating and maintenance expenses incurred in producing an additional kilowatt-hour of electricity to supply all retail customers and those wholesale customers that are served under firm contracts. Marginal energy costs shall be equivalent to the fuel and variable operating and maintenance costs of the most expensive machine on line use of which will be increased or decreased in response to additional changes in demand. If increments or decrements to such retail and wholesale load are supplied by purchased power, the marginal energy cost shall be defined as the cost of that purchased power.

(b) *Other information on marginal energy costs.* If the utility has calculated marginal energy costs or system lambdas for any hours other than those reported in paragraph (a) of this section, this additional information, upon request.

(c) *Pool hourly marginal energy costs.* If the utility is a member of a centrally dispatched power pool, hourly marginal energy costs (in cents per kilowatt-hour) for a typical weekday, a typical weekend day, and the pool peak day for each month of the reporting period and for each month of the next 5 years.

(d) *Procedures and models used.* A general description of the procedures and models used in estimating hourly marginal energy costs.

(e) *Hydroelectic units.* If a hydroelectric unit is used to meet a marginal load, the assumptions and procedures used in valuing the electricity produced from the hydroelectric source.

(f) *Effect of purchased power costs.* The following information on purchased power costs:

(1) The hours in the typical days of the reporting period specified in paragraph (a) of this section when the marginal energy cost was determined by the price paid for purchased power, with citations to contracts, tariffs or agreements then in effect.

(2) The hours in the projected typical days specified in paragraph (a) of this section in which the marginal energy cost is likely to be determined by the price paid for purchased power, with citations to contracts, tariffs or agreements currently in effect and likely to determine the hourly marginal energy costs specified in paragraph (a) of this section.

(g) *Marginal energy costs by costing period and by year.* Estimates of the average hourly marginal energy cost (in base year cents per kilowatt-hour) by costing period for the reporting period and for each of the next 5 years using the costing periods specified in § 290.308. For example, if 4 costing periods are specified in § 290.308 24 items would be reported.

(h) *Calculated marginal energy costs by costing period.* A single marginal energy cost calculated for each of the costing periods specified in § 290.308,

using the information specified in paragraph (g) of this section, and a description of the assumptions and procedures used in making these calculations. For example, if 4 costing periods are specified in § 290.308, 4 items would be reported based on the 24 items reported in paragraph (g) of this section.

(i) *Effect of energy loss.* The estimated marginal energy costs by voltage level for the different costing periods specified in § 290.308 using the estimates of energy loss factors specified in § 290.406(b).

§ 290.304 Transmission cost information.

For transmission costs the utility shall report the following:

(a) *Plant information.* For transmission plant:

(1) The expenditures for additions to transmission plant by principal voltage levels for the reporting period and for each of the previous 10 years, separating out AFUDC. If available, expenditures for replacements shall be separated out and labeled accordingly.

(2) The estimated expenditures for additions to transmission plant by principal voltage levels for each of the next 5 years, separating out expected AFUDC. If available, expenditures for replacements shall be separated out and labeled accordingly.

(3) An estimate of the cost of additional transmission investment (in base year dollars) that would be required for the installation of the generation facility or facilities described in § 209.302(g); i.e., the cost required to establish a connection from the high voltage side of the step-up transformer at the generation facility through the switch connection to the transmission grid, plus such other expenditures as may be necessary to strengthen the transmission system to accommodate the unit or units.

(4) For paragraphs (a)(1) and (a)(2) of this section, payments received and an estimate of payments to be received from other utilities for use of the additional transmission capacity.

(5) A system map showing the following, except that a utility need not identify the specific site of a planned facility if it believes that disclosure of such information will raise acquisition costs:

(i) Existing generation and transmission facilities.

(ii) Generation facilities planned to go into commercial operation during the next 10 years.

(iii) Transmission facilities planned to go into commercial operation during the next 5 years.

(b) *Operating and maintenance expense.* For operating and maintenance expenses (FERC Accounts 560 through 573):

(1) The transmission operating and maintenance expenses, by account where applicable, for the reporting period and for each of the previous 10 years, adjusting to typical levels any expenses which the utility believes were extraordinary or likely to be non-recurring.

(2) The estimated transmission operating and maintenance expenses for each of the next 5 years. This information may be provided in the form of estimated totals for each of the next 5 years and need not be given by account number.

(3) The operating and maintenance expenses associated with the installation of the additional transmission plant specified in paragraph (a)(3) of this section.

(4) For paragraphs (b)(1) and (b)(2) of this section, the following:

(i) Dispatch expenses related to pool or interchange operations.

(ii) Any fixed payments, such as rental payments.

§ 290.305 Distribution and customer cost information.

For distribution and customer costs the utility shall report the following:

(a) *Plant information.* For distribution plant:

(1) The expenditures for additions to distribution plant for the reporting period and for each of the previous 5 years. If available, expenditures for replacements shall be separated out and labeled accordingly.

(2) The expected expenditures for additions to distribution plant for each of the next 3 years. If available, expenditures for replacements shall be separated out and labeled accordingly.

(3) As estimate of the current cost of connecting a new customer to the distribution system for each customer group specified in § 290.404 (a), (b) and (d). This estimate should show, if practicable, the current cost of the following for a typical new customer: [3]

(i) An additional distribution line, if required.

(ii) An additional kilovolt-ampere of line transformer capacity.

(iii) The service drop.

(iv) The meter.

(v) The labor required for connection, if not included in clauses (i) through (iv) of this subparagraph.

(b) *Operating and maintenance expense.* For operating and maintenance expenses (FERC Accounts 580 through 598):

(1) The distribution operating and maintenance expenses, by account where applicable, for the reporting period and for each of the previous 5 years, adjusting to typical levels any expenses which the utility believes were extraordinary or likely to be non-recurring.

(2) The estimated distribution operating and maintenance expenses for each of the next 3 years. This information may be provided in the form of estimated totals for each of the next 3 years and need not be provided by account number.

§ 290.306 Other cost information.

For each of the previous 5 years, the utility shall report the following:

(a) *Customer expenses.* Customer account and service expenses by account (FERC Accounts 901 through 910).

(b) *Sales expenses.* Sales expenses, by account (FERC Accounts 911 through 916), indicating separate amounts that can reasonably be attributed to each customer group specified in § 209.404 (a), (b) and (d).

(c) *Administrative and general expenses.* Administrative and general expenses, by account (FERC Accounts 920 through 932).

(d) *Certain taxes.* Taxes other than income taxes, utility operating income (FERC Account 408.1).

(e) *Electric plant in service.* Electric plant in service, end of the year (FERC Account 101).

(f) *General plant.* General plant, by account, end of the year (FERC Accounts 389 through 399).

(g) *Materials and supplies.* Materials and supplies, by account, end of the year (FERC Accounts 151 through 157 and 163).

(h) *Prepayments.* Prepayments, end of the year (FERC Account 165).

§ 290.307 Annual carrying charge rates.

For annual carrying charge rates the utility shall report the following:

(a) *Estimates.* Estimates of current annual carrying charge rates for generation, transmission, and distribution facilities based on annual revenue requirement calculations for a hypothetical $1,000 investment. These calculations shall be made in accordance with the following rules:

(1) The calculations shall correspond to the regulatory prescriptions of the

[3] As used in this subparagraph, "typical new customer" is defined as a representative customer; i.e., one having the characteristics that, in the utility's judgment, are most likely to occur for immediate future service additions in a given customer group. No mathematical averaging of past or projected future additions is required.

predominant retail regulatory jurisdiction.

(2) Publicly owned systems shall present carrying charge rates calculated with reference to the cost factors relevant to their system planning.

(3) The rate of return component shall be based on the utility's expected capital structure and marginal costs of debt, preferred and common equity and customer contributed capital.

(b) *Worksheets.* Worksheets showing how the calculations specified in paragraph (a) of this section were made.

§ 290.308 Costing periods.

The utility shall design and report costing periods which group together contiguous hours of similar cost in an administratively feasible manner.

Subpart D—Load Data

§ 290.401 General instructions for reporting load data.

The utility shall report load data in accordance with the following general instructions:

(a) *Hourly load data.* Kilowatt loads shall be reported for a 24-hour period, beginning at 12:01 a.m. and ending at 12:00 midnight, local time, using an interval of integration of the reporting utility's choice, so long as such time interval is no longer than 60 minutes. System and customer group loads shall be reported using the same integration interval. If loads are metered on a different basis from that reported, the time interval of integration for metered loads and the factor which converts metered loads to reported loads shall be specified.

(b) *Load data by retail regulatory jurisdiction.* Each utility that serves at retail in more than one retail regulatory jurisdiction shall report load data specified in § 290.403 as follows:

(1) By separate retail regulatory jurisdiction for data specified in § 290.403 (a)(1), (a)(2) and (a)(3), unless all such jurisdictions waive the separate reporting requirement. Opportunity for comment on the waiver request shall be allowed prior to the Commission action on the waiver.

(2) For the system as a whole, for data specified in § 290.403(a)(4), unless the utility chooses to report such data separately for each regulatory jurisdiction or unless 1 or more retail regulatory jurisdictions requests separate reporting by jurisdiction, in which case such separate reporting shall be required. If a party other than a retail regulatory jurisdiction requests that hourly customer group load data be reported by separate jurisdiction, that party must demonstrate that the benefits of such reporting outweigh the additional costs of such reporting.

(c) *Applications for waiver or separate reporting.* Applications under paragraph (b) of this section for waiver or for separate reporting of customer group load data shall be filed with the Commission at least 2 years prior to the time the data would otherwise be required to be reported.

(d) *Option for 1980 filing.* In complying with the filing requirement for November, 1980, the utility may choose whether to report the customer group load data specified in § 290.403 (a)(1), (a)(2), (a)(3) and (a)(4) for the system as a whole or on a separate jurisdictional basis.

(e) *Master metering.* For purposes of reporting data in § 290.406, "customers" shall be defined as meters. A utility with master metered loads shall report the number of master meters separately, if available, and identify the groups of customers served under master meters, if available.

§ 290.402 Load data for the total of all customers (system and pool load data).

The utility shall report system and pool load data as follows:

(a) *General.* The kilowatt load shall be measured by the sum of the coincident net generation and purchases, plus or minus net interchange, minus temporary deliveries (not interchange) of emergency power to another system. These data shall be consistent with the monthly coincident peak kilowatt loads as reported in FERC Form 1, *Annual Report,* page 431, column (b).

(b) *Pool load data.* If the utility is a member of a power pool that centrally dispatches or a power pool that plans future bulk power facilities as a pool, load data as specified in this section shall be reported for the pool as well as the utility, unless otherwise specified.

(c) *Historic peak loads.* For each of the previous 10 years, the summer and winter peak loads on the system (in kilowatts) shall be reported and the date, day of the week and time of day for each peak shall be indicated. These data are not required for power pool reporting. The winter peak load reported under this paragraph, § 290.302(f) and § 290.402(e)(2) shall be the peak load for the winter season immediately following the summer season of the reporting period, irrespective of whether the winter peak load actually occurred in that reporting period.

(d) *Load data for the reporting period.* For the reporting period, the following data shall be reported:

(1) Kilowatt load for each clock hour of each day. A utility that provides the Edison Electric Institute with "Load Diversity Studies" may provide these data in computer compatible form to satisfy this reporting requirement.

(2) As an alternative to paragraph (d)(1) of this section, hourly system loads for a typical weekday, a typical weekend day and the system peak day for each month in the reporting period, if the utility certifies that it will make the information specified in paragraph (d)(1) available upon request.

(3) Monthly peak (maximum coincident kilowatt) load for each month, indicating the date, day of the week and time of day for each peak. If monthly peaks are normalized for weather or for other factors affecting loads, the utility shall report these data, along with a description and demonstration of the normalizing techniques used.

(e) *Projected load data.* For each of the next 5 years and for the tenth year, the following shall be reported:

(1) The projected annual load duration curves and the duration of load (in hours) at 100, 98, 95, 90, 80, 60, 40 and 20 percent of the peak load and an indication as to whether these data were used as the basis for the planned capacity additions reported under § 290.302(b).

(2) For each of the next 5 years and for the period between the fifth and tenth year, the average annual growth rates implied by the projected load duration curves specified in paragraph (e)(1) of this section for total kilowatt-hour sales, the summer peak load, and the winter peak load as defined in paragraph c of this section.

(3) Hourly loads for a typical week day, a typical weekend day and the system peak day for each month, or for each group of months for which there is no variation in hourly load.

§ 290.403 Load data for certain customer groups.

The utility shall report load data for each customer group for which data are required to be reported under § 290.404 as follows:

(a) *General.* For each month in the reporting period and for each such customer group:

(1) The group maximum demand (in kilowatts).

(2) The group contribution (in kilowatts) to the monthly jurisdictional maximum demand.

(3) The group contribution (in kilowatts) to the monthly system maximum coincident demand if the utility has not reported data separately for each retail regulatory jurisdiction under § 290.401(b)(2).

(4) Hourly group loads for a typical week day, a typical weekend day, the day of the group peak, and the day of the system peak.

(b) *Accuracy level.* If sample metering is required, the sampling method and procedures for collecting, processing, and analyzing the sample loads, taken together, shall be designed so as to provide reasonably accurate data consistent with available technology and equipment. An accuracy of plus or minus 10 percent at the 90 percent confidence level shall be used as a target for the measurement of group loads at the time of system and customer group peaks.

(c) *Sampling plan.* The utility shall file a sampling plan and description of any current sample at the time of making its first filing under this part and, if the load data are required to be collected on a sample metered basis but the data collected do not realize the target level of accuracy specified in paragraph (b) of this section, the utility shall explain why that target was not met.

(d) *Frequency of load research.* If load data are required to be collected on a sample metered basis, such research need not be conducted more frequently than once every 5 years for any utility that had total sales of electric energy for purposes other than resale of less than 1 billion kilowatt-hours annually in the three-calendar-year period ending 2 years prior to the commencement of the reporting period. Load research need not be conducted more frequently than once every 4 years for all other utilities. The kilowatt demands obtained from sample metering shall be updated in each reporting period to reflect current kilowatt-hour sales, customers and other consumption determinants and a description and example of the estimation technique and underlying data used for such updating shall be provided.

§ 290.404 Customer groups to be reported.

The utility shall gather and report the load data specified in § 290.403 for the specified customer groups as follows:

(a) *Large rate classes.* Except as provided in paragraph (c) of this section and subject to the provisions of paragraph (e) of this section, the utility shall report load data separately for each class of customers:

(1) Which is served under a separate rate schedule or under several rate schedules the differences in which are solely attributable to differences in the customer charges or initial block of the rate schedules; and

(2) Which accounts for 10 percent or more of the utility's demand (kilowatts) at the time of the monthly system peak for any month of the reporting period or, to the extent such demand data are not available, of the utility's retail electric sales (kilowatt-hours) for any month of the reporting period.

(b) *Extension for small rate classes.* Each utility covered under § 290.101 is granted an extension for the November, 1980 filing for the gathering and reporting of separate cost and load data for any class of customers for which there is a separate rate schedule if that class accounts for less than 10 percent of the utility's demand (kilowatts) at the time of the monthly system peak for every month of the reporting period or, to the extent such demand data are not available, of the utility's retail electric energy sales (kilowatt-hours) for every month of the reporting period.

(c) *Combined reporting for multiple schedules.* To the extent such reporting is permitted in § 290.401(b) regarding jurisdictional reporting, if the utility has rate schedules the differences in which are solely attributable to differences in the customer charges or initial block of the rate schedules, the utility shall combine customers served under such schedules for reporting load data under paragraph (a) of this section and may, at its option, combine such customers for reporting under paragraph (b) of this section.

(d) *End use classes.* Except as provided in paragraph (e) of this section, the utility shall report load data separately for each of the following classes of customers which accounts for 5 percent or more of the utility's retail electric sales (kilowatt-hours) for any month of the reporting period:

(1) Residential customers not using electricity for either water heating or whole-residence space heating.

(2) Residential customers using electricity for water heating but not for whole-residence space heating.

(3) Residential customers using electricity for whole-residence space heating and other uses (includes but is not limited to all-electric homes).

(4) Customers operating master-metered multiple dwellings.

(5) Customers operating commercial office buildings not using electricity for primary space heating.

(6) Customers operating commercial office buildings using electricity for primary space heating (includes but is not limited to all-electric buildings).

(e) *End use classes served under separate rate schedules.* If the utility has a separate rate or rates assigned exclusively to customers in an end use class specified in paragraph (d) of this section and qualifying under the criteria in paragraph (a)(2) of this section, the utility shall report each such end use class as a rate class under paragraph (a) of this section.

(f) *Extension for all other end use classes.* Each utility covered under § 290.101 is granted an extension until January 1, 1988 for the gathering and reporting of separate cost and load data for any end use class wholly contained within a rate class and for which separate reporting is not required under this section.

(g) *Reporting requirements.* The utility shall report load data for the customer groups specified in paragraphs (a), (b) and (d) of this section as follows:

(1) Load data for those large rate classes specified in paragraph (a) shall be based on sample metering except that such data may be reported on a best estimate basis for the November, 1980 filing.

(2) Load data for those small rate classes specified in paragraph (b) of this section shall be reported on a best estimate basis beginning with the June, 1982 filing, except that a utility may report such data on a sample metered basis.

(3) Load data for those end use classes specified in paragraph (d) of this section shall be reported on a best estimate basis beginning with the November, 1980 filing, except that the utility may report such data on a sample metered basis.

(4) The November, 1980 best estimate reporting for those large rate classes specified in paragraph (a) of this section and all best estimate reporting for those small rate classes specified in paragraph (b) of this section and for those end use classes specified in paragraph (d) of this section, shall represent the utility's best effort to identify the load data for each of these customer groups.

(5) The best estimate reporting for each reporting period, shall represent an improved quality of accuracy over the previous filing except that such accuracy need not exceed the accuracy standard established for sample metering in § 290.403(b). The utility shall estimate and report in the November, 1980 filing and all subsequent filings the accuracy level achieved in reporting best estimates.

(6) The utility shall be estopped from objecting to the unreliability of its best estimates for developing or changing rates:

(i) For those small rate classes specified in paragraph (b) of this section, beginning with the 1984 filing; and

(ii) For those end use classes specified in paragraph (d) of this section, beginning with the 1982 filing.

(h) *Exemption for customer groups served under time of day rates.* Each utility covered under § 290.101 is granted an exemption from the gathering and reporting of load data for any customer group served under time of day rates but shall be required to submit all information which is required to be reported in §§ 290.305(a)(3), 290.306(b), 290.406, 290.501 and 290.502 for each customer group specified in paragraphs (a), (b) and (d) of this section.

(i) *Method for selecting customer groups.* For purposes of determining which customer groups of a utility shall be reported under this section, the utility shall determine what customer groups existed on the last day of the year immediately preceding the reporting period and the demand or sales attributable to such classes.

§ 290.405 Certain exemptions from reporting requirements.

Exemptions from the reporting requirements of this subpart are provided as follows:

(a) *Borrowed load data.* The utility may use borrowed load data as support for its best estimates of loads for those small rate classes specified in § 290.404(b) and those end use classes specified in § 290.404(d) for the November, 1980 filing and all subsequent filings but may use borrowed load data as support for its best estimate of loads for those large rate classes specified in § 290.404(a) for the November, 1980 filing only. The utility may use borrowed data in lieu of sample metered data for such large rate classes in any subsequent filing, only if granted such an exemption under § 290.601.

(b) *Joint load research.* If a group of utilities intends to engage in joint load research for the purpose of fulfilling the reporting requirements of §§ 290.402 and 290.403, the group may apply to the Commission under § 290.601 for an exemption from the requirement that each utility in the group separately report such data.

§ 290.406 Other information.

The utility shall report additional information as follows:

(a) *Information on customer groups.* The following information shall be reported on an actual basis for each rate class specified in § 290.404 (a) and (b) and on a best estimate basis for those end use classes specified in § 290.404(d).

(1) The monthly energy sales (in thousand kilowatt-hours) for each month of the reporting period.

(2) The number of customers at the end of the reporting period.

(3) For the reporting period and for each of the previous 5 years, the number of new customers, if available, by voltage level. If this information on new customers is not available, the utility shall report instead the net change in customers.

(b) *Loss factors.* The utility shall report the estimated loss factors, both for energy (kilowatt-hours) and demand (kilowatts), resulting from the transmission of electricity from the system's source to the voltage levels at which sales are made. If different loss factors apply to peak and off-peak losses, both sets of loss factors shall be provided.

(c) *Shifts on and off daylight saving time.* The utility shall report the hour, day and month of shifts on and off daylight saving time, if applicable, and the time zone in which the retail load is located.

Subpart E—Calculated Costs

§ 290.501 Accounting cost calculations.

The utility shall calculate accounting costs as follows:

(a) *Calculated accounting costs of providing service.* The utility shall calculate the accounting costs of providing service by costing period and by voltage level for each customer group specified in § 290.404 (a), (b) and (d) and shall provide a summary of this information by completing Table 1. The table shall be completed for each retail regulatory jurisdiction in which the utility operates, unless the utility can show that the jurisdictional cost variation is not significant. If a method for calculating accounting costs has been specified by State law or by the retail regulatory jurisdiction, the calculation method used by the utility shall be consistent with such method. In the case of a non-regulated utility, the calculation method used shall be consistent with any applicable legal constraints upon such utility.

(b) *Description of method used.* The utility shall describe the method used for the calculations specified in paragraph (a) of this section as well as the following:

(1) For plant:

(i) A functional breakdown of distribution plant into demand and customer related components and an explanation of the functional allocation used.

(ii) A breakdown of demand related transmission or distribution plant by voltage levels and an explanation of this allocation.

(iii) A breakdown of all plant directly assigned to each customer group specified in § 290.404 (a), (b) and (d), if such assignment is appropriate based on prior precedents of the retail regulatory jurisdiction.

(2) Estimates of cash working capital required, including an explanation of the computation. Sufficient information shall be submitted to enable a calculation employing those methods specified by the retail regulatory jurisdiction or those methods chosen by the non-regulated electric utility. If the estimated cash working capital requirement is based on a lead lag study, a summary of the study shall also be filed.

(3) For operating and maintenance expenses:

(i) A functional breakdown of distribution operating and maintenance expenses into demand and customer related components and an explanation of the functional allocation made.

(ii) A breakdown of demand related transmission and distribution operating and maintenance expenses by voltage level and an explanation of the allocation method used.

(iii) A breakdown of all operating and maintenance expenses directly assigned to each customer group specified in § 290.404 (a), (b) and (d) if such assignment is appropriate based on prior precedents of the retail regulatory jurisdiction.

(iv) For accumulated deferred income tax an explanation of the method of functionalization used.

(c) *Cost study.* The reporting utility shall provide a copy of the cost study upon which the information entered in summary Table 1 is based, or certify that such study has been conducted and will be made available upon request. This provision shall not relieve the utility from reporting any information specified in Subparts B, D and E of this part.

§ 290.502 Marginal cost calculations.

The utility shall calculate marginal costs as follows:

(a) *Calculated marginal costs of providing service.* The utility shall calculate for the system as a whole the marginal costs of providing service by costing period and by voltage level for each customer group specified in § 290.404 (a), (b) and (d) and shall provide a summary of this information by completing Table 2. The calculations shall be made as follows:

(1) The marginal costs shall be shown without any adjustments for revenue constraints. This requirement shall in no way prevent the utility from presenting an additional table showing how time differentiated rates could be developed from the information developed in summary Table 2.

(2) If a method for calculating marginal costs has been specified by the predominant retail regulatory jurisdiction or by State law in that jurisdiction, the calculation method used by the utility shall be consistent with such method. In the case of a non-regulated electric utility, the calculation method used shall be consistent with any applicable legal constraints upon such utility.

(b) *Decription of method used.* The utility shall describe the method used for the calculations specified in paragraph (a) of this section as well as the following:

(1) A listing of the different components of demand related costs (marginal generation, transmission, and distribution capacity costs) and how such costs were calculated.

(2) A description of how demand related costs were determined for different costing periods.

(3) A description of how the marginal energy costs specified in § 290.303 were calculated.

(4) A listing of the different components of customer costs and how such costs were calculated.

(c) *Cost study.* The utility shall provide a copy of the cost study upon which the information entered in summary Table 2 is based or certify that such a study has been conducted and will be made available upon request. This provision shall not relieve the utility from reporting any information specified in Subparts C, D and E of this part.

Table 1.—*Illustrative Summary of Accounting Costs by Costing Period, Customer Group, and Voltage Level*

Customer group and voltage level	Costing period				Annual customer cost
	Peak hours			Off-peak hours	
	I	II	III	IV	
Customer Group A:					
Voltage Level 1					$/customer.
Demand Costs:					
Generation	$/kW	$/kW	$/kW	$/kW	
Transmission	$/kW	$/kW	$/kW	$/kW	
Distribution	$/kW	$/kW	$/kW	$/kW	
Energy Costs	¢/kWh	¢/kWh	¢/kWh	¢/kWh	
Voltage Level 2					$/customer.
Demand Costs:					
Generation	$/kW	$/kW	$/kW	$/kW	
Transmission	$/kW	$/kW	$/kW	$/kW	
Distribution	$/kW	$/kW	$/kW	$/kW	
Energy Costs	¢/kWh	¢/kWh	¢/kWh	¢/kWh	
Customer Group B:					
Voltage Level 1					$/customer.
Demand Costs:					
Generation	$/kW	$/kW	$/kW	$/kW	
Transmission	$/kW	$/kW	$/kW	$/kW	
Distribution	$/kW	$/kW	$/kW	$/kW	
Energy Costs	¢/kWh	¢/kWh	¢/kWh	¢/kWh	

N.B.—Both the number and designation of the costing periods, customer groups, and voltage levels shown in this table are illustrative. They are not intended to suggest any constraint on the reporting utility's choice of the specifications most appropriate to its operations. The costing periods, customer groups, and voltage levels chosen, however, should be clearly specified either in the table headings or in footnotes.

Table 2.—*Illustrative Summary of Marginal Costs by Costing Period, Customer Group, and Voltage Level*

Customer group and voltage level	Costing period				Annual customer cost
	Peak hours			Off-peak hours	
	I	II	III	IV	
Customer Group A:					
Voltage Level 1					$/customer.
Demand Costs:					
Generation	$/kW	$/kW	$/kW	$/kW	
Transmission	$/kW	$/kW	$/kW	$/kW	
Distribution	$/kW	$/kW	$/kW	$/kW	
Energy Costs	¢/kWh	¢/kWh	¢/kWh	¢/kWh	
Voltage Level 2					$/customer.
Demand Costs:					
Generation	$/kW	$/kW	$/kW	$/kW	
Transmission	$/kW	$/kW	$/kW	$/kW	
Distribution	$/kW	$/kW	$/kW	$/kW	
Energy Costs	¢/kWh	¢/kWh	¢/kWh	¢/kWh	
Customer Group B:					
Voltage Level 1					$/customer.
Demand Costs:					
Generation	$/kW	$/kW	$/kW	$/kW	
Transmission	$/kW	$/kW	$/kW	$/kW	
Distribution	$/kW	$/kW	$/kW	$/kW	
Energy Costs	¢/kWh	¢/kWh	¢/kWh	¢/kWh	

N.B.—Both the number and designation of the costing periods, customer groups, and voltage levels shown in this table are illustrative. They are not intended to suggest any constraint on the reporting utility's choice of the specifications most appropriate to its operations. The costing periods, customer groups, and voltage levels chosen, however, should be clearly specified either in the table headings or in footnotes. In most circumstances the cost components shown in this table would require adjustments in order to be used for billing under time differentiated rates.

Subpart F—Exemptions and Extensions

§ 290.601 Exemptions.

Applications for exemptions shall be made as follows:

(a) *Application.* A utility may apply for an exemption from all or part of the requirements set forth in this part by filing an application with the Commission no less than 18 months prior to the time the information would otherwise be required, and by November 1, 1979, for the 1980 filing. The application shall contain the following information:

(1) The name and location of the applicant.

(2) The time of filing for which each exemption is sought.

(3) The nature of each exemption sought, including a list of the requirements set forth in Subparts B, C, D and E of this part from which the exemption is sought and information explaining why the gathering of such information will not be likely to carry out the purposes of section 133 of PURPA. Such information shall include the following:

(i) If the exemption is based on the nature of the utility or on the type or extent of service provided, the application shall contain information specifically relating such factors to the nature of the exemption sought.

(ii) If the exemption is based on alternate compliance with the requirements of section 133 of PURPA, the application shall contain a showing, with respect to the specific utility, that the purposes of section 133 have been and will continue to be served by use of such alternate procedures.

(iii) If the exemption is based on plans for deferred compliance with the reporting requirements of this part, the application shall contain information on economic, technical, or other factors which prevent timely compliance, and shall contain a plan of compliance stating the schedule of actions to be taken by the utility to achieve full compliance.

(4) A statement of any action taken by a State regulatory authority in response to an application submitted to such State regulatory authority under paragraph (b) of this section, together with the statement of concurrence by the State regulatory authority, if any.

(b) *State regulatory authority review of applications for exemption.* A utility regulated by a State regulatory authority and applying for an exemption under this section shall submit such application to any State regulatory authority which has ratemaking authority for such utility for review prior to or concurrent with filing the application with the Commission.

(c) *Requests by a State regulatory authority.* A State regulatory authority may act on behalf of 1 or more utilities subject to its regulation in requesting a total or partial exemption. Such requests shall be filed at least 18 months prior to the time the information would otherwise be required and shall contain the following information:

(1) The name and location of the utility for which the exemption is sought.

(2) The time of filing for which the exemption is sought.

(3) The nature and duration of the exemption sought including a list of the requirements set forth in Subparts B, C, D and E of this part for which each exemption is sought and information explaining why the gathering of such information will not be likely to carry out the purposes of section 133 of PURPA. Such information shall include that information specified in paragraph (a)(3) (i), (ii) and (iii) of this section.

(d) *Public notice and comment.* (1) Within 15 days following receipt of the completed application for exemption submitted in accordance with paragraphs (a) or (c) of this section:

(i) The application shall be noticed in the **Federal Register.**

(ii) The utility shall apply to each State regulatory authority by which it is regulated to have such application published in any official State publication in which rate change applications are usually noticed.

(iii) The utility shall have an adequate summary of each such application published in a sufficient number of newspapers of general circulation in the affected jurisdiction so as to give widest practicable notice to interested parties.

(2) A period of 45 days shall be permitted for receipt of written information, views, arguments, or other comments on the application, which period shall commence at the time all requirements imposed in paragraph (d)(1) of this section have been fulfilled.

(3) Additional information required for purposes of review and evaluation of the application shall be supplied if requested by Commission Staff or by the State regulatory authority.

(4) Within 15 days following the conclusion of the comment period, the applicant may file reply comments.

(e) *Scope of exemption.* A utility shall submit a separate application for each filing year for which it seeks a partial or total exemption. An exemption granted by the Commission shall apply only to the next filing required under § 290.102, unless otherwise specifically provided by the Commission.

§ 290.602 Extensions.

Applications for extensions shall be made as follows:

(a) *Applications.* A utility may apply for an extension of the November, 1980, deadline for all or part of the requirements set forth in this part by filing an application with the Commission on or before May 1, 1980, which application shall contain the following information:

(1) The name and location of the applicant.

(2) A description of the information requirements for which the extension is sought, including the length of the proposed extension.

(3) A showing of good cause for the extension sought.

(4) A statement describing plans for application for, or proposal of, any rate increase during the period covered by the extension.

(5) A statement of any action taken by a State regulatory authority in response to an application submitted to such State regulatory authority under paragraph (b) of this section, together with the statement of concurrence by the State regulatory authority, if any.

(6) A plan of compliance setting forth the steps that the utility will take to comply fully with the reporting requirements of this part and indicating the time when the information will be supplied.

(b) *State regulatory authority review of application for extension.* A utility regulated by a State regulatory authority and applying for an extension under this section shall submit such application to any State regulatory authority which has ratemaking authority for such utility for

review prior to or concurrent with filing the application with the Commission.

(c) *Additional information.* Additional information required for purposes of review and evaluation of the application shall be supplied if requested by Commission Staff or by the State regulatory authority.

(d) *Comments by interested parties.* The Commission may seek comments from interested parties on applications for extensions.

§ 290.603 Petitions for withdrawals of exemptions and extensions.

Applications for withdrawals of the extensions granted in § 290.404 (b) and (f) and the exemption granted in § 290.404(h) shall be made as follows:

(a) *Application.* A party may apply to the Commission to require a utility subject to such extensions or exemption to comply with all or part of the requirements set forth in this part, by filing an application with the Commission no less than 18 months prior to the time the information would otherwise be required and by November 15, 1979 for the 1980 filing. The application shall contain the following information:

(1) The name and location of the utility.

(2) A description of the information requirements for which the withdrawal of the extension or exemption is sought.

(3) A showing that:

(i) Good cause does not exist for applying the extension to the utility; or

(ii) The reasons for granting the exemption to the utility are not valid.

(4) A statement of any action taken by a State regulatory authority in response to an application submitted to such State regulatory authority under paragraph (b) of this section, together with the statement of concurrence by the State regulatory authority, if any.

(b) *State regulatory authority review of petition.* A party applying under this section for withdrawal of an extension or exemption shall submit such application to any State regulatory authority which has ratemaking authority for the utility for review prior to or concurrent with filing the application with the Commission.

(c) *Additional information.* Additional information required for purposes of review and evaluation of the application shall be supplied if requested by Commission Staff or by the State regulatory authority.

(d) *Notice to utility.* The applicant shall serve a copy of the application on the utility for which withdrawal of the extension or exemption is sought.

(e) *Comments by interested parties.* The Commission may seek comments from interested parties on such applications.

Subpart G—Enforcement

§ 290.701 Enforcement provisions.

Pursuant to section 133(d) of PURPA, any person that violates a requirement of this part shall be subject to the following sanctions:

(a) *Violations.* Whoever violates any provision of this part shall be subject to a civil penalty of not more than $2,500 for each violation.

(b) *Willful violations.* Whoever willfully violates any provision of this part shall be fined not more than $5,000 for each violation.

(c) *Civil action by Attorney General.* Whenever it appears to the Commission or to its designee that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of this part, the Commission or its designee may request the Attorney General to bring a civil action to enjoin such acts or practices, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. In such action, the court may also issue mandatory injunctions commanding any person to comply with any provision, the violation of which is prohibited by this section.

(d) *Civil action by private party.* Any person suffering legal wrong because of any act or practice arising out of any violation of this part may bring a civil action for appropriate relief, including an action for a declaratory judgment or writ of injunction. United States district courts have jurisdiction of actions under this paragraph without regard to the amount in controversy. Nothing in this paragraph shall authorize any person to recover damages.

[FR Doc. 79-31347 Filed 10-10-79; 8:45 am]
BILLING CODE 6450-01-M

INTERNATIONAL COMMUNICATION AGENCY

22 CFR Part 515

International Visitor Grantees; Designated City Supplement Payments

AGENCY: International Communication Agency.

ACTION: Extension of interim rule; request for comments.

SUMMARY: The International Communication Agency recently conducted a study which concluded per diem rates for the International Visitor Program were generally adequate; however, the per diem rates for Washington, D.C. and New York City were too low in relation to minimal visitor costs. In view of the fact each international visitor must come to Washington, D.C. and most spend some time in New York City, a special designated city per diem has been proposed. The Agency is considering an amendment to its regulations governing the International Visitor Program to include a designated city supplement. The city supplement will be used by the international visitor to defray expenses incurred in designated high cost cities such as Washington, D.C. and New York City. At 44 FR 37907, June 29, 1979, the Agency published an interim rule providing for such supplemental payments for the period July 1 through September 30, 1979. The purpose of this notice is to extend the period of the Interim Rule until such date as a final regulation is published, and to invite public comment.

DATES: Comments must be received by January 14, 1980.

EFFECTIVE DATE: October 1, 1979.

ADDRESS: Interested persons are invited to submit views, proposals or comments concerning appropriate methods of determining adequate reimbursement to the international visitor to defray expenses in Washington, New York and other high cost cities. Communications should be submitted to the Chief, Community Relations Branch (ECA/IV), International Visitors Division, Associate Directorate for Educational and Cultural Affairs, International Communication Agency, Washington, D.C. 20547.

FOR FURTHER INFORMATION CONTACT: Ms. Pauline Hopper, Chief Community Relations Branch (ECA/IV), International Visitors Division, Associate Directorate for Educational and Cultural Affairs, International Communication Agency, Washington, D.C. 20547 (AC 202-724-9986).

SUPPLEMENTARY INFORMATION: The International Communication Agency assumed jurisdiction over the International Visitor Program from the Department of State effective April 1, 1978, by Executive Order 12048 of March 27, 1978, implementing Reorganization Plan No. 2 of 1977. The International Visitor Program works to strengthen and improve mutual understanding through direct people-to-people contacts between current and emergent leaders of foreign nations and people of the United States. The participants are established or potential foreign leaders in government, politics, journalism, education, science, labor relations and other key fields. They are selected by the International Communication

Agency and the United States Embassies overseas to visit the U.S., generally for thirty days, to get an in-depth exposure to this country, its people and culture and to meet and confer with their colleagues here.

Extension of Interim Rule

To effect an extension of the interim rule 22 CFR Part 515 is amended by deleting the dates in paragraph (h) of § 515.3 to read as follows:

§ 515.3 Grants to foreign participants to observe, consult, demonstrate special skills, or engage in specialized programs.

* * * * *

(h) *Designated City Supplement (Interim Rule).* Supplement to defray expenses in designated high cost cities such as Washington, D.C. and New York City.

(75 Stat. 529; 22 U.S.C. 2454(e)(1), as amended by sec. 204(a) of Pub. L. 95-426, 92 Stat. 973.)

Dated: October 4, 1979.

Charles W. Bray III,

Acting Director, International Communication Agency.

[FR Doc. 79-31321 Filed 10-10-79; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD Regulation 6010.8-R]

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

AGENCY: Office of the Secretary of Defense.

ACTION: Amendment of Final Rule.

SUMMARY: This amends the comprehensive CHAMPUS Regulation 6010.8-R which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). There are three specific changes in this amendment: (1) it defines "certified nurse midwife;" (2) it specifies the requirements for CHAMPUS-authorization as a certified nurse midwife; and (3) it states that benefits may be authorized for the services of certified nurse midwives independent of physician referral and supervision. This amendment, therefore, is issued to conform with current statutory provisions of Pub. L. 95-547, Section 845(g).

DATE: This amendment is effective retroactively to cover services rendered by certified nurse midwives on or after October 1, 1978.

FOR FURTHER INFORMATION CONTACT: LTC L. Rowlette, Special Assistant for CHAMPUS, Office of the Deputy Assistant Secretary of Defense (Health Resources and Programs), OASD(HA), Washington, D.C. 20301, telephone 202-695-6281.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834 appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)." The Office of the Secretary published Amendment No. 1 in FR Doc. 79-9566, appearing in the **Federal Register** on March 29, 1979 (44 FR 18661).

This is the second Amendment to the regulation whichs adds a definition (Section 199.8(b)(22)) and changes certain provisions covered in Section 199.12(c)(3)(iii)(d)(e) of the basic regulation in that it contained a provision that the services of nurse-midwives were payable by the program only where the patient had been referred for treatment by a licensed physician. Further, here was a requirement that the physician provide continuing supervision of the course of the care provided by the nurse-midwife.

The Defense Appropriation Act for Fiscal Year 1979, however, contains language which places certified nurse midwives in the category of CHAMPUS-authorized providers which may furnish care to CHAMPUS beneficiaries independently of physician referral and supervision.

The provisions of this amendment apply to certified nurse midwives who rendered services on or after October 1, 1978, the effective date of Pub. L. 95-457.

Accordingly, 32 CFR, CHAPTER I, Part 199, is amended, reading as follows:

1. Section 199.8 is amended as follows:

a. By adding a new paragraph (b)(22) and redesignating existing paragraphs (b)(22) through (106) as (b)(23) through (107) as set forth below; and

b. By deleting newly redesignated paragraph (b)(107).

§ 199.8 Definitions.

* * * * *

(b) *Specific Definitions.* * * *

(22) *Certified Nurse Midwife.* "Certified Nurse Midwife" means a Registered Nurse who: (i) has pursued his or her education on a post-R.N. or Master's Degree level into the area of management of care of mothers and babies throughout the maternity cycle; and (ii) is certified by the American College of Nurse Midwives.

* * * * *

2. Section 199.12 is amended as follows:

a. By adding a new (c)(3)(iii)(*d*) and redesignating existing paragraph (c)(3)(iii)(*d*) as (c)(3)(iii)(*e*). Also deleting redesignated (c)(3)(iii)(*e*)(*3*) and redesignating (c)(3)(iii)(*e*) 4 through 7 as (c)(3)(iii)(*e*)(3) through (6).

§ 199.12 Authorized providers.

* * * * *

(c) * * *

(3) * * *

(iii) * * *

(*d*) *Certified Nurse Midwives. (1)* A certified nurse midwife may provide covered care independent of physician referral and supervision, provided the nurse midwife: (*i*) is licensed, when required, by the local licensing agency for the jurisdiction in which the care is provided; and (*ii*) is certified by the American College of Nurse Midwives. To receive certification, a candidate must be a registered nurse who has successfully completed an educational program approved by the American College of Nurse Midwives and passed the American College of Nurse Midwives National Certification Examination.

(*2*) The services of a registered nurse who is not a certified nurse midwife may be authorized only where the patient has been referred for care by a licensed physician and a licensed physician provides continuing supervision of the course of the care. A lay midwife who is neither certified nurse midwife nor a registered nurse is not a CHAMPUS authorized provider, regardless of whether the services rendered might otherwise be covered.

(10 U.S.C. 1079, 1086, 5 U.S.C. 301)

H. E. Lofdahl,

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

October 4, 1979.

[FR Doc. 79-31420 Filed 10-10-79; 8:45 am]

BILLING CODE 3810-70-M

VETERANS ADMINISTRATION

38 CFR Part 3

Burial Benefits; Plot or Interment Allowance; Headstone or Memorial Marker

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is issuing final regulations to implement two provisions of Title II of the Veterans' Housing Benefits Act of 1978. The first provision authorizes payment

of the plot or interment allowance in certain cases to a State or political subdivision thereof when a deceased veteran eligible for burial in a national cemetery is buried in a State cemetery or a cemetery owned by a political subdivision of a State. The second provision permits the Veterans Administration to pay a cash allowance in lieu of furnishing a Veterans Administration headstone or memorial marker for a deceased veteran.

EFFECTIVE DATE: The regulation implementing the plot or interment allowance is effective October 1, 1978, and the regulation implementing the headstone allowance is effective October 18, 1978.

FOR FURTHER INFORMATION CONTACT:
B. B. Weinstein (202–389–3392).

SUPPLEMENTAL INFORMATION: On pages 13544–13545 of the Federal Register of March 12, 1979, there was published proposed regulations to implement two provisions of Title II of the Veterans' Housing Benefits Act of 1978, Pub. L. 95–476.

Interested persons were given 60 days to submit comments, suggestions or objections to the proposed regulations. No comments were received regarding payment of the plot or interment allowance. Four comments were received regarding the headstone or marker allowance.

The first commentator pointed out that the proposed regulation concerning payment of the headstone or marker allowance did not deal with the situation where two veterans are married to one another and burial is to be in adjoining plots with a common marker. We believe the commentator's point to be well taken and, consequently, have provided for this contingency as well as other situations involving joint or multiple headstones or markers in § 3.1612(e)(3).

The second commentator wanted to know if the headstone or marker allowance is payable to add identifying information to an existing headstone or marker. We have determined that the monetary allowance is payable in such a case and have amended § 3.1612 to provide for such payment.

The third commentator noted that under § 3.1612(c) the monetary allowance is payable as reimbursement to the person entitled to request a government headstone or marker, but who, instead, purchased a marker to mark the grave of a deceased veteran. The commentator correctly points out that this language prohibits reimbursement for pre-need marker purchases. He wants us to amend the regulation to permit reimbursement to the veteran's survivors in cases involving pre-need purchases. This we are unable to do since the regulation correctly implements and interprets the controlling statutory law. As noted above, however, § 3.1612 has been amended to permit reimbursement for adding identifying information to existing headstones or markers and reimbursement for this purpose will be permitted in cases involving pre-need purchases.

The fourth commentator believes we should allow a sum greater than $50 for purchasing a non-Government headstone or marker. The law, however, specifies that reimbursement may not exceed the average actual cost, as determined by the Veterans Administration, of a Government-furnished headstone or marker. Since the cost of a Government-furnished headstone or marker is $50 we are unable to authorize a greater amount.

We have also amended § 3.1612 to provide a time limit for filing a claim for the headstone or marker allowance. See § 3.1612(g).

The proposed regulations concerning the payment of the plot or interment allowance are adopted without change. The proposed regulation concerning the headstone or marker allowance is adopted with the changes indicated above.

Approved: October 3, 1979.
By direction of the Administrator:
Rufus H. Wilson,
Deputy Administrator.

1. In § 3.1601, the introductory portions of paragraphs (a)(2) and (b) are revised to read as follows:

§ 3.1601 Claims and evidence.

(a) *Claims.* * * *

(2) Claims for the plot or interment allowance (except for claims filed by a State or an agency or political subdivision thereof, under § 3.1604(d)) may be executed by:

* * * * *

(b) *Supporting evidence.* Evidence required to complete a claim for the burial allowance and the plot or interment allowance, when payable, (including a reopened claim filed within the 2-year period) must be submitted within 1 year from date of the Veterans Administration request for such evidence. In addition to the proper claim form the claimant other than a § 3.1604(d) claimant is required to submit:

* * * * *

2. Section 3.1604 is amended by changing the heading of paragraph (c) and adding paragraph (d) to read as follows:

§ 3.1604 Payments from non-Veterans Administration sources.

* * * * *

(c) *Payment of plot or interment allowance by public or private organization except as provided for by paragraph (d) of this section.* * * *

(d) *Payment of the plot or interment allowance to a State or political subdivision thereof.*—(1) *Conditions warranting payment.* All of the following conditions must be met:

(i) The plot or interment allowance is payable based on the service of the deceased veteran. See § 3.1600.

(ii) The deceased veteran is buried in a cemetery or a section thereof which is used solely for the interment of persons eligible for burial in a national cemetery.

(iii) The cemetery or the section thereof where the veteran is buried is owned by the State, or an agency or political subdivision of the State claiming the plot or interment allowance.

(iv) No charge is made by the State, or an agency or political subdivision of the State for the cost of the plot or interment.

(v) The veteran was buried on or after October 1, 1978.

(2) *Claims.* A claim for payment under this paragraph shall be executed by a State, or an agency or political subdivision of a State on a claim form prescribed by the Veterans Administration. Such claim must be received by the Veterans Administration within 2 years after the permanent burial or cremation of the body. Where the burial allowance was not payable at the death of the veteran because of the nature of the veteran's discharge from service, but after the veteran's death the veteran's discharge was corrected by competent authority so as to reflect a discharge under conditions other than dishonorable, claim may be filed within 2 years from the date of correction of the discharge.

(3) *Amount of the allowance.* A State or an agency or political subdivision of a State entitled to payment under this paragraph shall be paid the sum of $150 as a plot or interment allowance without regard to the acutal cost of the plot or interment.

(4) *Priority of payment.* A claim filed under this paragraph shall take precedence in payment of the plot or interment allowance over any claim filed for the plot or interment allowance under § 3.1601(a)(2). (38 U.S.C. 903(b))

3. Section 3.1612 is added to read as follows:

§ 3.1612 Monetary allowance in lieu of a Government-furnished headstone or marker.

(a) *Purpose.* This section provides for the payment of a monetary allowance in lieu of furnishing a headstone or marker at Government expense under the provisions of § 1.631(a)(2) and (b) of this chapter to the person entitled to request such a headstone or marker.

(b) *Eligibility for the allowance.* All of the following conditions shall be met:

(1) The deceased veteran was eligible for burial in a national cemetery (See § 1.620 (a), (b), (c) and (d) of this chapter); or died under circumstances precluding the recovery or identification of the veteran's remains or the veteran's remains were buried at sea.

(2) The veteran was buried on or after October 18, 1978.

(3) The headstone or marker was purchased to mark the unmarked grave of the deceased veteran or to memorialize the deceased veteran or the veteran's identifying information was added to an existing headstone or marker.

(4) The headstone or marker is for placement in a cemetery other than a national cemetery or the headstone or marker upon which the veteran's identifying information was added is situated in a cemetery other than a national cemetery.

(c) *Person entitled to request a Government-furnished headstone or marker.* For purposes of this monetary allowance, a person entitled to request such a headstone or marker means the person including, but not limited to, the executor, administrator or a person representing the deceased's estate, who purchased the headstone or marker, or who paid for adding the veteran's identifying information on an existing headstone or marker.

(d) *Receipted bill.* A receipted bill describing the headstone or marker (or the services rendered in adding the veteran's identifying information to an existing headstone or marker) date of purchase, purchase price, the amount of payment and the name of the person who made such payment, shall accompany a claim for this monetary allowance.

(e) *Payment and amount of the allowance.* (1) The monetary allowance is payable as reimbursement to the person entitled to request a Government-furnished headstone or marker. If funds of the decreased's estate were used to purchase the headstone or marker or to have the decreased's identifying information added to an existing headstone or marker, and no executor or administrator has been appointed, payment may be made to a person who will make distribution of this monetary allowance to the person or persons entitled under the laws governing the distribution of intestate estates in the State of the decedents' personal domicile.

(2) The amount of the allowance payable is the lesser of the following:

(i) Actual cost of acquiring a non-Government headstone or marker or the actual cost of adding the veteran's identifying information to an existing headstone or marker; or

(ii) The average actual cost, as determined by the Veterans Administration, of headstones and markers furnished at Government expense for the fiscal year preceding the fiscal year in which the non-Government headstone or marker was purchased or the services for adding the veteran's identifying information on an existing headstone or marker were purchased. The average actual cost of headstones and markers furnished at Government expense for fiscal year 1978 (October 1, 1977 through September 30, 1978) is $50.

(3) The following applies to joint or multiple headstones or markers:

(i) When a joint or multiple non-Government headstone or marker is purchased subsequent to the veteran's death, the amount set forth in paragraph (e)(2)(ii) of this section shall be available as reimbursement for the cost of the veteran's portion of the joint or multiple headstone or marker.

(ii) When a joint or multiple non-Government headstone or marker is existent at the time of the veteran's death, the allowance payable as reimbursement under paragraph (e)(2) of this section shall be determined based on the cost of the services for adding the veteran's identifying information.

(f) *Payment of allowance prohibited.* This monetary allowance shall not be paid when a Government headstone or marker has been requested or issued under the provisions of § 1.631(a) (2) and (b) of this chapter.

(g) *Claims.* A claim for payment under this section must be received by the Veterans Administration within 2 years after the permanent burial or cremation of the deceased, or the date of purchase of the non-Government headstone or marker or the services for adding the veteran's identifying information on an existing headstone or marker, whichever date is later. (38 U.S.C. 906(d))

[FR Doc. 79-31389 Filed 10-10-79; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 117

[FRL 1335-6]

Determination of Reportable Quantities for Hazardous Substances

AGENCY: Environmental Protection Agency.

ACTION: Correction Notice.

SUMMARY: The final rulemaking establishing reportable quantities of hazardous substances published by the Environmental Protection Agency on August 29, 1979, at 44 FR 50766 contained an omission of an attachment in the preamble and an error in the reportable quantity for one substance in the table of reportable quantities. Under "Procedure for Giving Notice of Discharge" in the preamble at 44 FR 50771 it is stated that the procedures are explained in 33 CFR 153.203 a copy of which appears as Attachment I to the preamble. The attachment should have appeared after the work "Administrator" which appears at the next to last line at 44 FR 50776 but was inadvertantly left out. The second discrepancy appeared at 44 FR 50777 where the reportable quantity (RQ) for Kepone in Table 117.3 was incorrectly listed as "1,000 (454)," when it should have been listed as "1 (0.454).

EFFECTIVE DATES: These regulations became effective September 28, 1979, except for discharges of hazardous substances which have been offered to common carriers who are required to accept such substances for shipment in compliance with applicable tariffs. EPA will publish notice in the Federal Register announcing the effective date of these regulations to such discharges.

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

Dated: October 3, 1979.

Swep T. Davis,

Acting Assistant Administrator for Water and Waste Management.

Part 117 and its preamble are corrected as follows:

Correction I:

Page 50776 F.R., first column next to last line, between "Administrator" and "Part 117 is added as follows," insert;

Attachment I

§ 153.203 Procedure for the notice of discharge.

(a) Before January 1, 1977, any person in charge of a vessel or an onshore or offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance from that vessel or facility in violation of section 311(b)(3) of the Act, immediately notify by telephone, radio telecommunication, or a similar means of rapid communication, one of the following persons:

(1) Duty Officer, National Response Center, U.S. Coast Guard, 400 Seventh Street, SW., Washington, D.C. 20590, toll free telephone number 800–424–8802.

(2) The government official predesignated in the applicable Regional Contingency Plan as the On-Scene Coordinator for the geographic area in which the discharge occurs.

Note.—Regional Contingency Plans are available at Coast Guard District Offices and Environmental Protection Agency (EPA) Regional Offices, as indicated in Table 2 [*See* 33 CFR Part 153, Subpart B]. Coast Guard District Office and EPA Regional Office addresses are listed in Table 1 [*See* 33 CFR Part 153, Subpart B].

(3) Commanding Officer or Officer-in-Charge of any Coast Guard unit in the vicinity of the discharge, or in the case of a discharge into the Panama Canal Zone, the Marine Traffic Control in Cristobal or Balboa.

(4) Commander of the Coast Guard district in which the discharge occurs.

Note.—Coast Guard Districts and corresponding States may be found in [33 CFR Part 3].

(b) After December 31, 1976, any person in charge of a vessel or an onshore or offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance from that vessel or facility in violation of section 311(b)(3) of the Act, immediately notify by telephone, radio telecommunication, or a similar means of rapid communication the official designated in paragraph (a)(1) of this section, except as prescribed in paragraphs (c) and (d) of this section.

(c) If after December 31, 1976, to give notice as prescribed in paragraph (b) of this section is impractical, notice may be given to the officials listed in paragraphs (a)(2) through (a)(4) of this section in order of priority.

(d) After December 31, 1976, any person in charge of a vessel or an onshore or offshore facility shall, as soon as he has knowledge of any discharge of oil or a hazardous substance occurring in Alaska or Hawaii from that vessel or facility in violation of section 311(b)(3) of the Act, immediately notify by telephone, radio telecommunications, or a similar means of rapid communications any of the officials listed in paragraphs (a)(2) through (a)(4) of this section.

Correction II:

Page 50777 F.R., third column line 32, under the column "RQ in pounds (kilograms)" across from "Kepone . . . X" delete "1,000 (454)" and replace it with "1 (0.454)."

[FR Doc. 79-31342 Filed 10-10-79; 8:45 am]

BILLING CODE 6560-01-M

LEGAL SERVICES CORPORATION

45 CFR Part 1624

Prohibition Against Discrimination on the Basis of Handicap; Correction

AGENCY: Legal Services Corporation.

ACTION: Correction.

SUMMARY: In FR Vol. 44, No. 187, appearing on page 55175 in the **Federal Register** of Tuesday, September 25, 1979, the "SUMMARY" of Section 1624 is corrected by deleting "29 U.S.C. 706" and substituting "29 U.S.C. 794."

In FR Vol. 44, No. 187, appearing on page 55178 in the **Federal Register** of Tuesday, September 25, 1979, the "Authority" of Section 1624, is corrected by deleting "49 U.S.C. 706; 42 U.S.C. 2996f(a) (1) and (3)" and substituting "49 U.S.C. 794; 42 U.S.C. 2996f(a) (1) and (3)."

ADDRESS: Legal Services Corporation, 733 15th Street, NW. Suite 700 Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Linda Perle, 202–272–4040.

Dated: October 3, 1979.

Dan J. Bradley,

President, Legal Services Corporation.

[FR Doc. 79-31317 Filed 10-10-79; 8:45 am]

BILLING CODE 6820-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 83

[Gen. Docket No. 78-230; FCC 79-575]

Providing for the Use of Emergency Position Indicating Radiobeacons (Class C) for Vessels Operating in Coastal Waters

AGENCY: Federal Communications Commission.

ACTION: Final order.

SUMMARY: Amendment of the rules to provide for the voluntary carriage of Class C EPIRB's for use in coastal waters of the United States where 95 percent of boating accidents occur. These emergency radio devices are intended to reduce the loss of life and property in the boating community.

EFFECTIVE DATE: November 12, 1979.

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

FOR FURTHER INFORMATION CONTACT: Robert C. McIntyre, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: September 27, 1979.

Released: October 5, 1979.

In the matter of amendment of Parts 2 and 83 of the rules to provide for the use of Emergency Position Indicating Radiobeacons (Class C) for vessels operating in coastal waters, Gen. Docket No. 78–230.

1. On August 4, 1978, we released a Notice of Proposed Rule Making in this Docket [1] proposing to amend Parts 2 and 83 of the rules to provide for the voluntary use of Class C Emergency Position Indicating Radiobeacons (EPIRB's) for vessels operating in coastal waters.

2. The time for filing reply comments in this proceeding was extended at the request of the U.S. Coast Guard (USCG) for a period of 60 days to permit additional system analysis to be conducted. The request for an extension of time was granted [2] because this rule making concerns a safety program administered by that agency.

Background

3. A detailed description of the EPIRB and the various classes of these devices was discussed in the Notice of Proposed Rule Making. Briefly, an EPIRB is a device which transmits radio frequency signals used to facilitate search and rescue (SAR) operations by indicating the position of a distress situation. On vessels where no other communication facility exists these devices can also be used to alert SAR personnel that an emergency situation exists. The Commission's rules currently provide for the use of Class A and B EPIRB's on vessels which travel in international waters. These devices operate on the frequencies 121.5 and 243 MHz, and rely heavily on aircraft at high altitude to receive these signals and report them to the cognizant SAR authorities.

[1] Docket No. 78–230; Notice of Proposed Rule Making, adopted July 27, 1978, (FCC 78–532), (43 FR 35353).

[2] Docket No. 78–230, Order, adopted December 13, 1978, (43 FR 60307).

4. The Class C EPIRB which this rulemaking addresses is for use in coastal waters within the communication range of VHF shore stations. This communication range is generally accepted to be 20 miles from shore. Class C EPIRB's are intended to operate on Channels 15 and 16 (156.750 and 156.800 MHz, respectively). In contrast to EPIRB's used by vessels on international voyages which rely on aircraft overflights for signal reception and notification of SAR authorities, the Class C device will generally alert Coast Guard communications stations directly. If other communications means have been used to notify the proper authorities to an emergency situation the EPIRB may be employed, if necessary, to facilitate prompt location of the vessel.

5. The effectiveness of any distress system is directly related to the degree of monitoring which exists in the system. Channel 16 is the international VHF maritime distress, safety and calling frequency. This channel is continuously monitored along the entire U.S. coastline by the United States Coast Guard up to distances of 20 miles from shore. The radio watch which the USCG provides on this frequency is further supplemented by Commission licensed ship and coast stations which operate in this frequency band. The choice of 156.8 MHz (Channel 16) would not require further capital expenditure by the United States Government to provide the necessary monitoring. It was for these reasons that the Commission proposed Channel 16 be used for the Class C EPIRB alerting function.

6. Presently there is no radio frequency device provided solely for safety purposes carried on vessels which normally ply waters within 20 miles of shore. We stated in the notice that the need for such a low cost device was evidenced by USCG statistics which indicate that 95 percent of the boating accidents, many involving loss of life and property, occur within 25 miles of shore. The capability to transmit an alerting and homing signal will significantly improve the efficiency of SAR operations and reduce losses associated with boating accidents.

7. The Class C EPIRB transmits the international radiotelephone alarm signal (1300 and 2200 Hz tones repeated alternatively) on Channel 15 and 16. The transmission on Channel 15 provides a signal suitable for homing purposes; the transmission on Channel 16 provides a signal for alerting nearby vessels and coast stations to an emergency situation. A short alerting signal (1.5s) is transmitted on Channel 16 followed by either a homing signal (15s) on Channel 15 or by a silent period (40.5s or greater) during which no signal is transmitted. The EPIRB can be activated for a maximum period of 24 hours after which time it will turn off automatically. The exact configuration of the proposed transmitted signal is explained and best understood by referring to Appendix A, Table 1 and Figure 1.

Comments

8. Comments on the Notice of Proposed Rule Making were received from: Interstate and Ocean Transport Company (IOTC); National Owners and Pilots Association (AOPA); Narco Marine (NARCO); National Party Boat Owners Alliance (NPBOA); American Institute of Merchant Shipping (AIMS), Warner Nautical Emergency Rescue (WNER); The American Waterways Operators, Incorporated (AWO); and Marine Telephone Company Incorporated (MTC).

9. Reply comments were received from: (1) Lake Carriers Association (LCA); (2) United States Power Squadrons (USPS); (3) United States Coast Guard (USCG); and (4) Narco Marine. A second reply comment filed by NARCO was received February 17, 1979; the closing date for comments was February 9, 1979. The late reply comment submitted by NARCO pertains to a modification of the technical aspects of the system which will reduce the cost of the device. Consequently, because of potential public benefit, the Commission is of the opinion that this late reply comment should be considered.

A. Operational Considerations

10. The comments received from IOTC, AOPA, NARCO, LCA, USPS and USCG were supportive of the Commission's proposal for operation of the Class C EPIRB on Channel 16, the international distress, safety and calling frequency. The majority of opposing comments object not to the use of this type of EPIRB but primarily to the use of Channel 16 for this purpose. This portion of the Report and Order treats these comments and those related to other operational considerations.

11. NPBOA and AWO state that Channel 16 is currently misused by many boaters and the introduction of an EPIRB signal on this frequency, expecially in the case of simultaneous transmissions, will further degrade an already unsatisfactory situation. MTC and WNER state a stronger view that viable communications on this frequency will not be possible and the effectiveness of the EPIRB will be diminished. AIMS and AWO point to the false alarm rate (99 percent) for ELT's [3] reported in Docket 21495 [4] as reason for not permitting the use of EPIRB's, which may also experience a high false alarm rate, on Channel 16. AWO further states that the interference aspects of EPIRB operation were not fully considered in the notice by the Commission.

12. The EPIRB signal format provides for the periodic emission of the radiotelephone two-tone alarm signal on Channel 16 for an interval of 1.5 seconds. Examination of Appendix A shows that the total transmit time for a single unit on Channel 16 during the first 30.4 minute cycle is 48 seconds; this is equivalent to 2.6 percent of the total transmission time available. Each subsequent cycle results in a smaller percentage of transmission time by the EPIRB on Channel 16. We do not consider the period of transmission to be long enough to cause signficant degradation of the alleged presently unsatisfactory condition or to prevent viable communications on Channel 16 as suggested by WNER and MTC. We do foresee an opportunity for a vessel without a VHF/FM transceiver to communicate into an international distress system while requiring only a minimum period of transmitting time on Channel 16 in the case of single EPIRB activation. Multiple EPIRB signal transmissions will be treated later.

13. The USCG in its reply comments has provided the Commission a tape recording of an EPIRB signal, which is part of the record, operating in cycle 2 (78.8 second off period) in the presence of a simulated message. We have examined this tape and are of the opinion that the EPIRB signal will not significantly interrupt routine messages. During the 1.5 second transmission on Channel 16 a loss of 1.0 to 1.5 words may result if the EPIRB is sufficiently close to the receiving station. Further, Channel 16 is mainly used for calling purposes and consequently messages on this channel should be extremely short requiring only transmission of sufficient information to establish the working channel to be used for the main

[3] Section 87.5 of the Commission's rules defines an ELT as "a transmitter intended to be activated manually or automatically and operated as a part of an aircraft or a survival craft station with an A9 emission, as a locating aid for survival purposes." The device simultaneously transmits carriers on the frequencies 121.5 and 243 MHz which are modulated by a downward sweeping audio signal within the range of 1600–300 Hz. This type of signal when detected by a receiver, has a distinctive, easily recognizable characteristic sound, and the A9 emission is compatible with direction finding equipment used by search and rescue personnel.

[4] Docket 21495, Notice of Inquiry, Adopted November 22, 1977, FCC 77-791, 42 FR 62508.

information transfer. Thus many messages usually transmitted on Channel 16 will be completed without the operator realizing an EPIRB has been activated.

14. The probability that multiple EPIRB signals will be experienced has been raised by NPBOA and AWO. The USCG in their reply comments have extensively analyzed this matter based on actual data from their thirty most active stations. This analysis has shown that in a period of a year there is a 95% probability that 50 SAR events will occur involving three or more simultaneous EPIRB transmissions at a station typical of the thirty most active stations. We have reviewed a USCG tape recording of three simultaneous EPIRB signals and concluded that this number of multiple signals will not degrade the effectiveness of this system. This analysis further indicates that during July at Fire Island Coast Guard Station in New York, the fourth most active station, there is a 95% probability that 13 SAR events will occur involving 3 or more simultaneous EPIRB activations. This probability of occurrence is predicated on the assumption that all SAR events which occur will use an EPIRB. The Commission considers this assumption to be extremely conservative since we are requiring individuals fitted with VHF/FM voice radio to use this system first to alert to a distress situation. Activation of EPIRB's will be permitted when communications cannot be established using a VHF/FM system or when SAR personnel specifically request that the EPIRB be turned on or when the vessel is fitted only with an EPIRB. This procedure will significantly reduce the probability of multiple occurrences.

15. The interference range of the Class C EPIRB has been considered in the reply comments of the USCG. We recognize that if the EPIRB with a 1 watt power output is close to the receiving station it will cause a field strength at this station greater than that generated by the higher powered 25 watt, VHF/FM transmitter. The USCG has shown that the Distance Ratio—Distance from VHF transmitter to Receiving Station/Distance from EPIRB to Receiving Station—is 2.24:1 when the EPIRB and VHF transmitter produce RF fields of equal strength at the receiving station. For example, if the ship is 10 miles from the receiving station the EPIRB must be less than 4.5 miles to produce a field strength greater than that produced by the ship board transmitter. This distance ratio assumes that the ship station antenna and EPIRB antenna are of equal efficiency. We consider this analysis to be conservative. Shipboard and EPIRB antenna efficiencies may differ by up to 8dB, which would require the EPIRB to be significantly closer to the receiving station to produce a field strength equal to that generated by the VHF transmitter. Thus, the area over which an activated EPIRB will cause interference during the 1.5 second transmission on Channel 16 will be limited to an area proximate to the EPIRB.

16. AIMS and AWO in their comments point to the performance of ELT's in the Aviation service, and state that a false alarm rate of a few percent of that demonstrated by ELT's would have a severe detrimental effect on Channel 16 communications. The USCG in their reply comments indicate that the respondents overestimate the potential users of the system by a factor of more than ten, which will correspondingly reduce the expected number of false alarms by the same amount. Further, the Commission does not consider that failure rates on ELT's, which are automatically operated by sensitive devices, can validly be used in comparison with the Class C EPIRB which is manually activated.

17. AWO states that in Docket 21495[5] the Commission recognized that "improper activation would hinder detection and location of vessels actually in distress" and so would render EPIRB's virtually useless from a safety standpoint. This is not an accurate interpretation of the Commission's concerns expressed in Docket 21495. The Commission states that in the case of an ELT, when two signals are located in the same geographical area, the problem of locating the signal source becomes complicated since multiple continuous signals cause ambiguities in bearings and delays in locating ELT's. The Class C EPIRB operates in a physical environment having few large natural or manmade obstructions which will reflect RF energy capable of leading to ambiguities in bearings. Further, the Class C EPIRB has been specifically designed to allow for the detection of multiple signals by employing a signal format which provides for intermittent operation on Channels 15 and 16.

18. AIMS, AWO, MTC, WNER and NPBOA advocate the use of channels other than Channel 16 for the Class C EPIRB. We have considered carefully the choice of frequencies on which the EPIRB should operate. We analyzed many factors and note that:

—The USCG provides continuous monitoring on Channel 16 up to 20 miles from shore in the present distress system.

—The signal format for the EPIRB has been designed to minimize transmission times on Channel 16.

—The area of interference caused by the 1.5 second transmissions on Channel 16 by EPIRB's is limited to an area proximate to the EPIRB.

—Many Commission licensed stations monitor Channel 16.

—Operationally EPIRB's will be activated only when communications cannot first be established using VHF/FM equipment or when specifically requested to assist SAR activities.

—The low probability of multiple EPIRB signal occurrences.

The Commission is convinced that considering the number of SAR events anticipated and the low interference potential of this device that EPIRB's can be accommodated on Channel 16 while having a negligible effect on the present use of this frequency for distress, safety and calling purposes.

19. AWO states that the Commission in the instant proposal "would not only reallocate Channel 16 from general maritime distress, safety and calling purposes to EPIRB operations but also would reallocate Channel 15 from environmental and hydrographic to EPIRB usage". AWO misconstrues the Commission's intended purpose in this regard; we are not reallocating these frequencies but merely adding an operationally compatible service on these channels. To make this purpose explicitly clear we are modifying § 83.359 to include Class C EPIRB's.

20. The Lake Carriers' Association was concerned that this notice did not pertain to the United States waters of the Great Lakes and specifically requested that the proposed rulemaking be expanded to include this area. The Coast Guard currently provides VHF monitoring of this area on Channel 16 and therefore the Class C EPIRB may be used by vessels plying these waters. It should be noted, however, that the Commission and Coast Guard staffs have initiated discussions on the technical requirement of a modified version of the Class C EPIRB for compulsory use on certain classes of vessels operating in the Great Lakes. This new EPIRB will include among other features a float free capability.

B. Technical Characteristics

21. Several respondents submitted comments directly concerning the technical characteristics of the EPIRB. The following paragraphs of the Report and Order treats these comments.

22. AOPA and WNER question the adequacy of the duration of the signal to

[5] Ibid.

permit accurate homing on the EPIRB signal. In this regard we point out that the experimental testing done by the USCG at Point Allerton, Massachusetts substantiated that the time provided on Channel 15 is indeed adequate to permit accurate homing by USCG stations engaged in SAR activities. Accordingly the rules as proposed in § 83.137 concerning the cycle time and period length are adopted with only the minor changes discussed in paragraph 28.

23. WNER states that the 1 watt power output level specified in the notice is too high. The information [6] available to the Commission indicates that this level of signal is necessary to provide adequate coverage for vessels operating at the fringe of the intended coverage area. Since WNER has not submitted data and analysis to substantiate a different value for power output, the 1 watt level specified in § 83.134 is adopted as proposed.

24. WNER is opposed to the use of the international radiotelephone two-tone alarm signal which is prescribed in the international Radio Regulations because "it is in the roll-off area of data transmission telephone facilities". The Bell Telephone Laboratories transmission—versus—frequency characteristics for a telephone connection shows the amplitude at 1300 and 2200 Hz to be greater than the signals at 400 and 800 Hz.[7] Further, these frequencies were chosen because they are readily identified and detected by radio operators in the presence of other signals and because the radiotelephone two tone alarm signal has been internationally agreed upon. For these reasons we are retaining the proposed frequency values set out in § 83.137.

25. NARCO and WNER provided comments concerning the battery indicator which the Commission proposed in the notice. NARCO states that there is no low cost device to indicate that the battery has sufficient energy to operate over the required 24 hour period. WNER states that it would be expensive to implement a device which has this capability. The USCG supports the change proposed by NARCO to § 83.146(q) to reflect that the indicator may not necessarily assure full battery power over the 24 hour operating period. § 83.146(q) has been modified to reflect the intent of the changes proposed by NARCO.

[6] VHF-FM Emergency Position Indicating Radiobeacon Final Report, Department of Transportation, Peter D. Engels, Charles I. Murphy and Howard C. Salwen, March 1978.

[7] Bell Telephone Laboratories, "Transmission Systems for Communications", Revised Fourth Edition, December, 1971, page 73.

26. NARCO and WNER submitted comments on the technical characteristics of tones and the 24 hour EPIRB shut-off provisions in the proposed rules. NARCO argues that the tone duration and tone frequency tolerance should be increased to ±5% rather than the more stringent tolerance recommended in the notice. The USCG has supported the NARCO position in this regard. WNER recommends a 10% tolerance on the time duration and elimination of the 24 hour turn-off provision. The Commission, noting that no comments concerning automated signal detection were received and since this was our reason for proposing the tight tone tolerances, agrees that less stringent tolerances will not affect the operational performance of the EPIRB. We remain convinced that the 24 hour turn-off has operational advantages in the event of an inadvertent EPIRB activation. Accordingly, the rules set out in Appendix B are modified to reflect a ±5% tolerance for tone duration, tone frequency and the 24 hour turn-off capability.

27. NARCO states in their comments that significant savings in size (30%), weight (40%) and lower cost will result if the temperature limits are modified. NARCO proposes that § 83.134(k) be changed to require the EPIRB to separately meet the required output power over the temperature range of 0 to 50 degrees Celsius for 24 hours and meet a −20 to +50 degree Celsius temperature for a 12 hour period. NARCO states that the greatest majority of vessels which will fit with these EPIRB's will not be exposed to −20 degree Celsius and water temperature will seldom be less than −4 degrees Celsius. The Commission considers that the public interest will be best served by implementing NARCO's recommendations and we have modified the temperature limits accordingly.

28. In the notice we urged interested parties to provide comments specifically directed toward reduction in the cost of this equipment. In response to this request NARCO has submitted an alternate table of cycle times which will allow 20% fewer digital logic cells and permit the use of technology developed for use in design of digital watches. The changes proposed to the periods by NARCO will not affect the operational performance of the EPIRB and accordingly we are modifying the § 83.137(j)(2) and (3) to conform to the recommended periods proposed by NARCO.

29. The rules proposed in the notice permitted testing for one complete EPIRB sequence (112s) during the first 5 minutes of any hour, if testing could not be conducted under conditions which could ensure that no radiated energy caused interference. NARCO in their comments objects to the length of the period permitted and recommends that testing not exceed 10 seconds. No reply comments have been received opposing the shorter period. Considering the reduced potential for interference attendant to the shorter test period we are inclined to agree with the recommended change. Accordingly, § 83.146(o) is modified to permit EPIRB testing for a 10 second period.

30. Regarding questions on matters covered in this document contact Robert C. McIntyre (202) 632-7175.

31. In view of the above it is ordered, That, pursuant to the authority contained in Sections 4(i), 303(b), (d), (e) and (r) of the Communications Act, as amended, the Commission's rules are amended as set forth in the attached Appendix B, effective November 12, 1979.

32. It is further ordered, that this proceeding is terminated.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

William J. Tricarico,

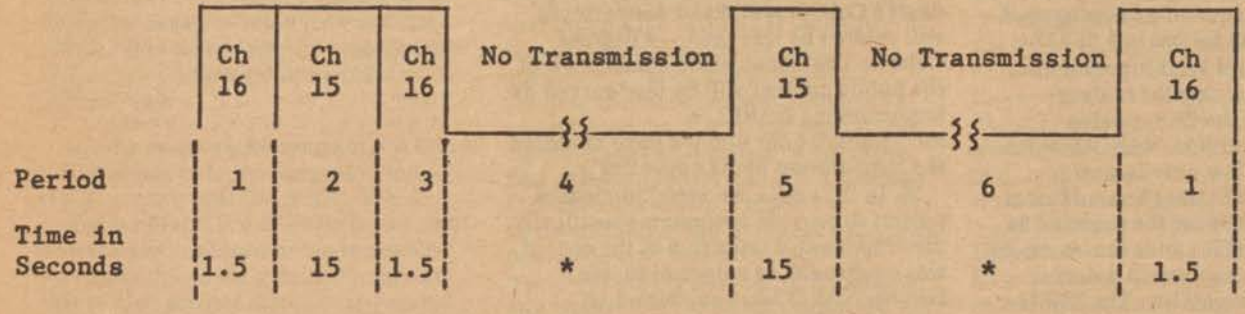
Secretary.

BILLING CODE 6712-01-M

APPENDIX A

Characteristic \ Cycle		1	2	3	4
Period 1	Channel No. 16 (Sec)	1.5	1.5	1.5	1.5
Period 2	Channel No. 15 (Sec)	15.0	15.0	15.0	15.0
Period 3	Channel No. 16 (Sec)	1.5	1.5	1.5	1.5
Period 4	No Transmission(Sec)	40.5	78.5	154.5	306.5
Period 5	Channel No. 15 (Sec)	15.0	15.0	15.0	15.0
Period 6	No Transmission(Sec)	40.5	78.5	154.5	306.5
Total Time for 1 sequence (Sec)		114.0	190.0	342.0	646.0
Duration of Cycle (Hrs)		0.51	1.69	6.08	15.72
Number of Sequences/Cycle		16.0	32.0	64.0	87.6

Table No. 1 Class C EPIRB Signal Format



*Determine length of period Nos. 4 and 6 from Table No. 1 for each of four cycles.

Figure No. 1 Class C EPIRB Signal Characteristic

BILLING CODE 6712-01-C

Appendix B

Parts 2 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

In § 2.106, Column II of table is amended to read as follows:

§ 2.106 Table of Frequency allocations.

Frequency MHz	Nature (of services of stations)
10	11
* * * * * * *	
156.75	Maritime Mobile. Maritime Radiodetermination. Ship. Emergency position indicating radiobeacon.
156.8	Maritime Mobile. (Distress, safety and calling). Maritime Radiodetermination. Ship. Emergency position indicating radiobeacon.
* * * * * * *	

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.24, the headnote and paragraph (b) is amended and a new paragraph (c) is added to read as follows:

§ 83.24 Authority for survival craft stations and EPIRB stations.

* * * * *

(b) Authority to operate an EPIRB station with a Class A or Class B device will be granted for use aboard the freqency type of vessels:

* * * * *

(c) Authority to operate an EPIRB station, equipped with a Class C device, must be applied for as provided in § 83.36(a). Class C EPIRB's are intended for use on vessels operating within 20 miles of shore.

2. In § 83.132, paragraphs (a)(5)(iii) and (a)(5)(iv) are amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(5) Stations not covered by the above:

(i) * * *

(ii) * * *

(iii) For the frequency 156.75 MHz—F9 Class C EPIRB stations

(iv) For the frequency 156.8 MHz—F9 Class C EPIRB stations

* * * * *

3. In § 83.133 the table is modified by adding a new class of emission (14.4 F9) and an editorial explanation note 6 as follows:

§ 83.133 Authorized bandwidth.

(a) * * *

Classes of emission	Emission designator	Authorized bandwidth (kilohertz)
* * * * *		
F3	36F3 [3]	40.0 [3]
F9	14.4F9 [5]	20.0 [5]
F9	20,000F9 [6]	20,000 [6]
* * * * *		

* * * * *

6 Applicable to marine hand held radars.

* * * * *

4. Section 83.134 is revised to add a new paragraph (k) as follows:

§ 83.134 Transmitter Power.

* * * * *

(k) For emergency position indicating radiobeacon stations operating on the frequencies 156.75 and 156.8 MHz the peak radiated power on each frequency during and at the end of the specified period of continuous operation shall not be less than 1 watt. This specification shall apply to all units whether dry, or immersed for any or all of the specified period in fresh or salt water, as long as the antenna extends above the water surface. The peak effective radiated power shall be determined pursuant to the measurement procedure set out in Commission publication Bulletin OCE 45. The EPIRB shall be capable of meeting the output power requirements over each of the following temperature ranges for the time period specified:[1]

(1) 0 to 50 degrees Celsius for 24 hours continuous operation.

(2) −20 to 50 degrees Celsius for 12 hours continuous operation.

5. Section 83.137 is modified by adding a new paragraph (j) as follows:

§ 83.137 Modulation requirements.

* * * * *

(j) Emergency position indicating radiobeacon stations operating on the frequencies 156.75 and 156.8 MHz shall employ the international Radiotelelphone Two Tone Alarm signal to frequency modulate the carrier frequencies.

(1) The EPIRB signal transmitted on the frequencies 156.75 and 156.8 MHz shall consist of two substantially sinusoidal audio frequency tones transmitted alternately. One tone shall have a frequency of 2200 Hz and the other a frequency of 1300 Hz, the duration of each tone shall be 250 milliseconds. The frequency tolerance of the tones and the tolerance of the tone duration shall be ± 5 percent.

[1] Batteries may be replaced after completion of tests for each temperature range.

(2) An EPIRB sequence consists of 6 time periods having the following specified durations with a ± 5% tolerance:

Time period	Duration (seconds)	Transmission frequency (MHz)
1	1.5	156.8
2	14.5	156.75
3	1.5	156.8
4	See § 83.137(j)(3)	None
5	14.5	156.75
6	See § 83.137(j)(3)	None

(3) The EPIRB shall transmit four different cycles. The nominal period of each successive cycle shall be increased by extending the duration of the "off" periods (t_4 and t_6) during which the device is not transmitting a signal. The period of t_4 and t_6 shall be incrementally increased in proportion to the time the device is continuously activated according to the following schedule. [1]

Cycle	Time period of t_4 and t_6 (seconds)	Number of sequences
1	40.0	16
2	80.0	32
3	160.0	64
4	320.0	83.2

6. A new § 83.146 is added as follows:

§ 83.146 Special requirements for emergency indicating radiobeacon stations, Class

(a) Class C emergency position indicating radiobeacon stations are limited to transmission using F9 emission on the frequencies 156.75 and 156.8 MHz.

(b) The equipment shall consist of a transmitter, an integral antenna and a power supply. The transmitter and power supply shall be secured in separate compartments in a single watertight case to prevent corrosive agents generated by the battery from affecting components in the transmitter compartment.

(c) The equipment shall be provided with a visible and/or audible indicator which clearly shows that the device is operating. The indicator shall be activated by the transmitter RF output power.

(d) The equipment shall be capable of operation when hand held or when floating in water after storage for extended periods under marine environmental conditions.

(e) The switch used to activate the EPIRB shall be of a type which indicates the state of the equipment (on/off) by the physical position of the switch. A guard shall be provided to prevent

[1] A tolerance of ± 5% shall be applicable.

changing the position of the switch without operation of the guard device.

(f) The equipment case shall be designed to be resealable without the use of special tools or sealing compounds and EPIRB operation shall not be degraded by submersion in sea water for a period of 24 hours.

(g) The EPIRB shall float in fresh water with the antenna vertical and completely out of the water.

(h) The equipment shall not incorporate any vacuum tubes in its design. Components shall be so rated that the equipment will meet the requirements specified for EPIRB's in this part after extended periods of inaction while carried in vessels and subjected to marine environmental conditions. Operation into any load likely to occur in service, from open to short, shall not result in permanent damage to the equipment.

(i) The exterior of the equipment shall have no sharp edges or projections which could easily damage inflatable survival equipment, injure personnel or damage their clothing. Means shall be provided to secure the EPIRB to a survival craft or person.

(j) Concise, unambiguous operating instructions, understandable by untrained personnel, shall be conspicuously and permanently displayed on the equipment. The display shall be weather resistant, waterproof, and abrasion resistant; it shall indicate that the device is "to be used solely for distress purposes."

(k) The equipment shall have no exposed areas or terminals that could produce a condition capable of igniting inflammable gases or materials.

(l) The antenna shall be securely attached to the case and designed such that it is capable of being safely stowed without being damaged. The antenna shall provide optimum performance at 156.75 and 156.8 MHz; its radiation pattern shall be essentially omnidirectional.

(m) The equipment shall not be damaged when dropped into water from a height of 6 meters and shall comply with the technical standards set out in this part.

(n) The EPIRB shall comply with the technical standards set out in this part when plunged into sea water after storage at a temperature of 50° C to sea water at 20° C.

(o) The EPIRB may be tested in coordination with, or under the control of the U.S. Coast Guard to insure that testing is conducted under electronic shielding, or other conditions sufficient to insure that no transmission or radiated energy occurs that could be received by a radio station and result in a false distress alarm. If testing with Coast Guard involvement is not practicable, brief operational tests are authorized provided the tests are conducted within the first five minutes of any hour for a period not to exceed 10 seconds.

(p) The EPIRB shall automatically be turned off after a period of 24 hours ± 5%. Provisions shall be provided in the equipment to permit the EPIRB transmission sequence to be repeated by manually placing the on-off switch momentarily in the off position and returning it to the on position.

(q) The EPIRB shall be equipped with a visual indication of a low battery condition to alert the operator that the transmitter may not be capable of complying with the output power requirements prescribed in § 83.134(k).

7. A new § 83.254 is added as follows:

§ 83.254 Class C EPIRB operational procedures.

Class C EPIRBS shall be used for distress purposes only after use of the VHF/FM radiotelephone installation, in accordance with § 83.238, has proved unsuccessful or when a VHF/FM radiotelephone installation is not fitted, or when specifically requested to do so by a station engaged in SAR operations.

8. Section 83.359 is revised to read as follows:

§ 83.359 Frequencies in the band 156–162 MHz available for assignment.

(a) The frequencies listed in the following table are available for assignment to stations as indicated.

Channel designator	Frequency (MHz) Ship	Frequency (MHz) Coast	Points of communication
* * * * *			
Distress, Safety and Calling			
16	156.8	156.8	EPIRB, Intership and ship to coast.
* * * * *			
Environmental and Class C EPIRB's			
15		156.750	Coast to Ship and EPIRB.
* * * * *			

[FR Doc. 79-31428 Filed 10-10-79; 8:45 am]

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47 CFR Part 73

[FCC Docket No. 79-113; RM 3151]

Frequency Allocation: FM Station O'Neill, Nebr.

AGENCY: Federal Communication Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein substitutes a Class C channel for a Class A channel in O'Neill, Nebraska. The Class C channel would provide a first FM service as well as a first and second nighttime aural service to a substantial area and population.

EFFECTIVE DATE: November 16, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order—Proceeding Terminated

Adopted: September 28, 1979.
Released: October 4, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (O'Neill, Nebraska); BC Docket No. 79-113, RM-3151.

1. The Commission has before it the *Notice of Proposed Rule Making*, adopted May 2, 1979, 44 Fed. Reg. 28022, inviting comments on a proposal to substitute Class C FM Channel 275 for Channel 224A at O'Neill, Nebraska, and to modify the license of Station KBRX-FM (Channel 224A) to specify Channel 275 at O'Neill. The *Notice* was issued in response to a petition submitted by Ranchland Broadcasting Co., Inc. ("petitioner"), licensee of daytime-only AM Station KBRX and Station KBRX-FM (Channel 224A), O'Neill, Nebraska.

2. O'Neill (pop. 3,753),[1] seat of Holt County (pop. 12,933), is located in northeastern Nebraska, approximately 260 kilometers (162 miles) northwest of Omaha. It is presently served by one daytime-only AM station and one Class A FM station, both licensed to petitioner.

3. Channel 275 could be assigned to O'Neill in conformity with the minimum distance separation requirements. Preclusion would occur on all channels from 272A through 278. Eighteen communities of over 1,000 population would sustain preclusion on one or more of these channels. Twelve of these have no FM channel assignments.[2] However,

[1] Population figures are taken from the 1970 U.S. Census.

[2] *Nebraska:* Atkinson (pop. 1,406), Ainsworth (2,073), Burwell (1,341), Neligh (1,764), Albion (2,074); *South Dakota:* Chamberlain (2,626), Highmore

Footnotes continued on next page

petitioner notes that alternate FM channels are available for assignment to these communities should the need arise. Petitioner indicates that, in upgrading its present Class A station to a Class C station with 30 kilowatts at 61 meters (200 feet) it would provide a first FM service to 3,562 persons in a 1600 square kilometer (614 square miles) area, a first nighttime aural service to 2,815 persons in a 950 square kilometer (375 square miles) area, and a second nighttime aural broadcast service to 254 persons in a 340 square kilometer (132 square miles) area. No second FM service would be provided.

4. We believe the public interest would be served by the change in the O'Neill assignment from Channel 224A to Channel 275 in view of the substantial service that could be provided to underserved and unserved areas and population. The existing Channel 224A assignment is being deleted since there has been no expression of interest in its retention at O'Neill and the channel could be utilized elsewhere.

5. The *Notice* stated that if no other person expressed an interest in the proposed assignment of Channel 275 to O'Neill, the license of Station KBRX–FM could be modified to the Class C channel.[3] Since no other party has expressed an interest in the proposed channel, the license of Station KBRX–FM can be modified.

6. Accordingly, pursuant to authority contained 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 of the Commission's rules, it is ordered, That effective November 16, 1979, the FM Table of Assignments (§ 73.202(b) of the rules) is amended with respect to the following community:

City	Channel No.
O'Neill, Nebraska	275

7. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Ranchland Broadcasting Co., Inc., for Station KBRX–FM, O'Neill Nebraska, is modified effective November 16, 1979, to specify operation on Channel 275 instead of Channel 224A. The licensee shall inform the Commission in writing no later than November 16, 1979, of its acceptance of this modification. Station KBRX–FM may continue to operate on Channel 224A for one year from the effective date of this action or until it is ready to operate on Channel 275, or the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 275 the licensee of Station KBRX–FM shall submit to the Commission the technical information normally required of an applicant for Channel 275, including that connected with a change in the transmitter site;

(b) At least 10 days prior to commencing operation on Channel 275, the license of Station KBRX–FM shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of Station KBRX–FM shall not commence operation on Channel 275 without prior Commission authority.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-31424 Filed 10-10-79; 8:45 am]

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Footnotes continued from last page

(1,173), Miller (2,148), Ft. Pierre (1,448), Martin (1,248), Platte (1,351), Wagner (1,665).

[3] Cheyenne, Wyoming, 62 F.C.C. 2d 63 (1976).

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47 CFR Part 73

[FCC 79-610]

Reregulation and Rules Oversight of Radio and TV Broadcasting

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: By Reregulation Order, clarification is made and rewriting done on the rules pertaining to the sale of a station; four of the FCC's policies with appropriate citations are added to the FCC's listing of its policies in Part 73; and the FCC Form rule is corrected and conformed to recent changes in forms' titles and numbers.

EFFECTIVE DATE: October 22, 1979.

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

FOR FURTHER INFORMATION CONTACT: Steve Crane, Philip Cross, John Reiser, Broadcast Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION:

Order

Adopted: September 27, 1979.

Released: October 5, 1979.

By the Commission: Commissioner Lee absent.

In the matter of reregulation and Rules Oversight of Radio and TV Broadcasting.

1. As a result of the continuing studies concerning the reregulation of broadcasting and the oversight of the AM, FM and TV rules, the Commission herein makes certain changes to update its regulations as described below:

(a) The following additions are made to the listing of policies of the FCC in Part 73, Subpart H.

(i) *Public Notice* entitled "Commission Orders Return to Substantial Compliance Standard in Evaluating Ascertainment Showings."

(ii) *Memorandum Opinion and Order* regarding expense reimbursement provisions in licensee-citizen group agreements.

(iii) *Report of the Commission* on uniform policy as to violation of laws of U.S. by station applicants.

(iv) *Letter* regarding use of station to serve licensee's private interests.

(b) In § 73.3500 are found the application and report forms of the FCC pertaining to the broadcast services. Recent changes bring about the following modification in this rule:

(i) Form Number 701 has its title changed to "Application for Extension of Construction Permit or to Replace Expired Construction Permit."

(ii) Form Number 321, "Application for Construction Permit to Replace Expired Permit" is deleted from the list of form numbers and titles. (Form 701 will be used in such applications in the future.)

(c) Sections 73.139 (AM), 73.241 (FM) and 73.659 (TV) are each titled "Special rules relating to contracts providing for reservation of time upon sale of a station." They contain the same text. It will be retitled "Transferring a station." The old title is somewhat inappropriate since it refers only to reservation of time whereas the text refers also to rights of reversion and reassignment of license. The combined rule will be placed in Subpart H as § 73.1150. the old § 73.241 (FM) does not specifically refer to noncommercial educational FM stations, but the provisions are applicable thereto, and such stations are covered by the new § 73.1150.

2. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public.

3. We conclude that, for the reasons set forth above, adoption of these revisions will serve the public interest, and inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would

serve any useful purpose, prior notice of rule making, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B).

4. Therefore, it is ordered, that pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules and regulations are amended as set forth in the attached Appendix below, effective October 22, 1979.

5. For further information on this *Order*, contact Steve Crane, Phil Cross or John Reiser, Broadcast Bureau, (202) 632–9660.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

1. Section 73.139 is amended to read as follows:

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

See § 73.1150.

2. Section 73.241 is amended to read as follows:

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

See § 73.1150.

3. Section 73.659 is amended to read as follows:

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

See § 73.1150.

§ 73.3500 [Amended]

4. Section 73.3500 is amended to delete FCC Form Number 321 and its Title, "Application for Construction Permit to Replace Expired Permit;" and to change the title of FCC Form Number 701 to "Application for Extension of Construction Permit or to Replace Expired Permit."

5. New § 73.1150 is added to Subpart H, Part 73, to read as follows:

§ 73.1150 Transferring a station.

(a) In transferring a broadcast station, the licensee may retain no right of reversion of the license, no right to reassignment of the license in the future, and may not reserve the right to use the facilities of the station for any period whatsoever.

(b) No license, renewal of license, assignment of license or transfer of control of a corporate licensee will be granted or authorized if there is a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment or transfer, such rights, as stated in paragraph (a) of this section, are retained.

6. New § 73.4021 is added to Subpart H, Part 73, to read as follows:

§ 73.4021 Ascertainment evaluations by FCC.

See Public Notice, FCC 79–332, dated June 8, 1979. 72 F.C.C. 2d ——; 44 F.R. 33153, June 18, 1979.

7. Section 73.4060 is amended to add new paragraph (b) and designate current text as paragraph (a), to read as follows:

§ 73.4060 Citizens Agreements.

(a) See Report and Order, Docket 20495, FCC 75–1359, adopted December 10, 1975. 57 F.C.C. 2d 42; 40 F.R. 49730, December 30, 1975.

(b) See Memorandum Opinion and Order, FCC 78–875, adopted December 21, 1978. 70 F.C.C. 2d 1672.

8. Section 73.4225 is amended to add new paragraph (b) and designate the current text as paragraph (a), to read as follows:

§ 73.4225 Promotion of non-broadcast business of station.

(a) See letter to Station WADE, dated September 19, 1973, FCC 73–989. 42 F.C.C. 2d 1027.

(b) See letter to Station WJIM–TV, dated July 24, 1968, FCC 68–773. 14 F.C.C. 2d 239.

9. New § 73.4280 is added to Subpart H, Part 73, as follows:

§ 73.4280 Violation of laws of USA by station applicants; Commission Policy.

See Report of the Commission, Docket 9572, FCC 51–317, adopted March 28, 1951. 42 F.C.C. 2d 399; 16 F.R. 3187, April 11, 1951.

[FR Doc. 79–31426 Filed 10–10–79; 8:45 am]

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47 CFR Part 73

[BC Docket No. 78–52; RM–2808; FCC 79–612]

Television Broadcast Stations in Washington, D.C., Waldorf, Md., Fairfax and Front Royal, Va.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns UHF television Channel *56 to Fairfax, Virginia, reserved for noncommercial educational use, and rejects an alternative plan to reassign UHF television Channel 14 from Washington, D.C. to Fairfax for noncommercial educational use. The retention of Channel 14 in Washington provides for a commercial channel for which there are several interested parties seeking to operate a station. Site limitations have been placed on affected channels to permit the use of a Bethesda, Maryland, transmitter site for the Channel *56 Fairfax assignment.

EFFECTIVE DATE: November 14, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and Order—(Proceeding Terminated)

Adopted: September 27, 1979.

Released: October 5, 1979.

By the Commission: Commissioner Lee voting by circulation.

In the matter of amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations. (Washington, D.C., Waldorf, Maryland, Fairfax and Front Royal, Virginia.) BC Docket No. 78–52, Rm–2808

1. The Commission has under consideration the *Notice of Proposed Rule Making and Order to Show Cause*, 43 FR 7330, released February 21, 1978, concerning a petition filed by Central Virginia Educational Television Corporation ("CVETC"), licensee of noncommercial educational TV Station WNVT (UHF TV Channel 53).[1] CVETC seeks to remove the present assignment of UHF TV Channel 14 from Washington, D.C., and instead assign it to Fairfax, Virginia, where it would be reserved for noncommercial educational use. Comments in support were filed by CVETC, and Virginia Public Telecommunications Council ("VPTC").[2] Formal comments in opposition were submitted by Formula Telecommunications; Mayor Marion Barry of Washington, D.C.; Urban Broadcasting Co.; Greater Washington Educational Telecommunications Association ("GWETA"), (licensee of

[1] Channel 53 is assigned to Fredericksburg, Virginia, and is used at Goldvein, Virginia, pursuant to the Commission's "15-mile" rule, § 73.607(b).

[2] Letters in support of the proposal have been received from Governor Dalton of Virginia; Joseph A. Wirtela, Media Coordinator of the Fredericksburg Public Schools; Anne D. Dowling of Vienna, Virginia; and Brian R. Hinman of Arlington, Virginia. Also, the Fairfax County Democratic Committee submitted a resolution in support of CVETC's request.

noncommercial educational Stations WETA-TV and WETA-FM, Washington, D.C.); and by Washington Christian Television Outreach, Inc. ("WCTO"), applicant for Channel 14 at Washington, D.C. Additional comments were received from Teltronic Industrial Systems, Inc., Shenandoah Valley Educational Television Corporation, licensee of noncommercial educational TV Station WVPT, Staunton, Virginia, and TV translator Station W42AC, Front Royal, Virginia; and the Association of Maximum Service Telecasters, Inc. Reply comments were submitted by CVETC; WCTO; and VPTC. Additional pleadings were filed by WCTO and CVETC. (See paragraph 3, *infra.*)

2. CVETC urges the Commission to delete Channel 14 from Washington, D.C., and to reassign it to Fairfax, Virginia, with a noncommercial, educational reservation. Its purpose in requesting this change is to provide an improved noncommercial educational service to parts of northern Virginia that are now unable to receive the signal of its Channel *53 station. CVETC operates a translator station on Channel 14 in Arlington, Virginia for this purpose. However, in view of the pending application (and other expressions of interest) in the commercial use of Channel 14 in Washington, D.C. CVETC recognizes that its translator station can only be a temporary measure. In response to CVETC's request, the Commission's *Notice* proposed three alternative plans. Each was designed to provide improved noncommercial educational service to northern Virginia by permitting the use of a transmitter site closer to the desired coverage area. The key element of Plan I was the assignment of Channel *56 to Fairfax; [3] Plan II would reassign Channel *14 from Washington, D.C. to Fairfax and reserve it for noncommercial educational use; and Plan III would assign Channel *56 at Goldvein. Because no change in city of license would be involved, this approach would permit CVETC's license to be modified to specify the newly assigned channel.[4]

3. Before examining the merits of the proposals, we need to resolve an important procedural matter which has been brought to our attention by WCTO. The issue is the consideration of a proposal first raised in reply comments. According to the *Notice*, the deadline for filing a counterproposal is the date for filing comments, not reply comments. See § 1.420(d) of the Commission's rules. CVETC describes its proposal [5] to substitute Channel 56 for Channel 14 at Washington, as a modification of Plan II rather than a counterproposal. CVETC argues that it has not proposed a change that is mutually exclusive with Plan II. It submits that the Commission recently made a modification of this nature without finding it necessary to issue a Further Notice of Proposed Rule Making, citing *Medford, Oregon*, 42 Fed. Reg. 9401, released January 4, 1978, affirmed on reconsideration, BC Mimeo 13579, released March 21, 1979 (review pending). In that case the Commission assigned VHF television Channel 12 rather than UHF television Channel 18 which it had previously proposed to do. WCTO opposes our consideration of CVETC's substitution proposal, arguing that the substitution of Channel 56 for Channel 14 at Washington, D.C., constitutes a counterpropsal concerning which it has not had the opportunity to respond.[6]

4. We believe that consideration of the plan advanced by CVETC in its reply comments would be unfair. The opportunity to comment on proposed changes at listed communities is central to the rule making process. When counterproposals are advanced in comments, the other parties have an opportunity to respond in their reply comments. That is not the case when the counterproposal first appears in reply comments. While it is true that the Commission has on occasion substituted one channel for another at a community even though that fact was not set forth, the situation there is a quite different one. In most cases, this has no bearing on the adequacy of the description of the proposals under consideration. See § 553(b)(3) of the Administrative Procedure Act. Thus, in the cited case of *Medford, Oregon, supra*, the Commission held that the terms and substance of the proposal—the assignment of an additional commercial channel to Medford—were adequately described. The city, Medford, where channel numbers were changed, had been previously listed and the public was told that changes were under consideration for the commercial channels. Here, not only has the Commission not announced it was considering a substitution of commercial channels at Washington, but it made no mention that channels at communities not previously listed, Hazelton and Scranton, Pennsylvania, would be affected. Furthermore, contrary to CVETC's characterization of its proposal as a modification of Plan II, the proposal is mutually exclusive to Plan I and is therefore ineligible for consideration at this stage by the Commission Rule 1.420(d). Even if the Administrative Procedure Act does not preclude consideration of CVETC's proposal to assign Channel 56 to Washington, doing so at this stage would be disruptive and unfair.

5. Concerning the proposals before us, CVETC has expressed an interest only in Plan II. It states that it favors Plan II principally because it believes that only through its proposed use of Channel 14 can it achieve an adequate signal level over northern Virginia. First, it contends that Channel *56, if assigned to Fairfax, would not provide a satisfactory area for locating its transmitter since most homes have antennas oriented toward northwest Washington, and away from the area where it would need to locate.[7] Second, CVETC contends that existing towers could not be utilized because of the additional weight needed for a Channel *56 antenna, nor, it indicated, could it construct a tower to the necessary height.[8] CVETC has submitted engineering data in an effort to demonstrate that a Channel *56 operation would suffer a 5.4 dB impairment in signal as compared to a Channel *14 facility, assuming the same effective radiated power and antenna height. It asserts that it would not be cost-effective to invest in the additional equipment needed to make up for this by increasing power on the higher UHF channel. Therefore, it believes that the substantial costs involved in relocating its transmitter site including the purchase of a transmitter, transmission line and antenna suitable for Channel *56 far outweighs the expected benefits

[3] This plan would require the substitution of Channel *58 for Channel *56, an unoccupied Waldorf, Maryland, assignment, and the substitution of Channel *61 for the Channel *42 assignment at Front Royal, Virginia, on which a translator station is operating.

[4] This plan would require the same substitution of channels as in Plan I for Waldrof and Front Royal. In addition, Channel 53, CVETC's present channel, would be deleted from Fredericksburg, Virginia.

[5] This proposal would require an exchange of channels at Hazelton and Scranton, Pennsylvania, to eliminate a short spacing that would otherwise result. As in Plans I and III, a substitution of channels would also be necessary at Waldorf, but the Front Royal transiator operation would be unaffected.

[6] Subsequently, it filed its reponse on the merits of the Channel 56 proposal for Washington, D.C.

[7] CVETC contends that the Commission relied on the importance of antenna orientation when it granted a 26-mile short-spacing to permit a Wilmington, Delaware, station to locate its transmitter in Philadelphia, Pennsylvania. Letter to WHYY, Inc., dated September 24, 1969.

[8] This information is derived from a study by Aviation Systems Associates attached to this pleading which concludes that an antenna tower of at least 1,000 feet above mean sea level (MSL) southwest of the Potomac River in northern Virginia, would probably not be approved by the FAA. A second analysis indicates that such a land use would not be approved by local government authorities.

making it unlikely that it would ever seek to do so. CVETC also objects to Channel *56 because the Front Royal translator operation on Channel *42 would be required to change Channel *61. Its engineer estimates that a 2.3 dB impairment in signal over its present service area would result from the move to a higher UHF frequency.[9] As in its own case, it asserts that only an increase in antenna gain, height or both at considerable expense would provide comparable service. A site restriction on the new Front Royal assignment or on the affected channels at Frederick, Maryland, and Wilmington, Delaware, would also be necessary, we are told.

6. CVETC also objects to Plan III which offered the assignment of Channel *56 to Goldvein, Virginia, where WNVT is presently licensed and a modification of its license to the new channel. CVETC states that the Goldvein proposal would provide even less desirable coverage to northern Virginia than Plan I especially to the Arlington, and Alexandria area where the receiving antennas are oriented to the northwest. In addition, CVETC believes that the Fredericksburg, Virginia, Channel *53 assignment scheduled to be deleted under this plan should be retained for future use. CVETC notes that Plan III would also involve disruption to the Front Royal translator with attendant site limitations on that station or on the affected Frederick, Maryland, and Wilmington, Delaware, assignments.

7. CVETC argues that Plan II would best serve its purposes since it would permit use of a transmitter site to the northwest of Washington, where other local television towers are situated. Unlike the proposals for Channel *56 at either Fairfax or Goldvein, the Channel *14 assignment would allow for an increase in antenna height to 1,049 feet above MSL with FAA clearance, according to CVETC's aeronautical consultant. This plan would not involve disruption to the Front Royal translator station nor place site restrictions on any assignments. It would also leave the Fredericksburg assignment unaffected.

8. The Virginia Public Telecommunications Council ("VPTC") urges adoption of CVETC's proposal so that Station WNVT can adequately reach all of the potential local audience. VPTC details at great length the attempts and plans of Station WNVT to provide instructional programming to elementary and secondary school age children, which are described as ineffective with the present operation since not all of northern Virginia's schools are reached. VPTC argues that northern Virginia is grossly underserved having only one local station for over a million people while Washington has nine television stations for a population of just over 700,000. VPTC contends that the service provided by Washington stations cannot be a substitute for local service especially of the type provided and planned by WNVT. As for Washington's needs, VPTC contends that it is irrelevant at the assignment stage that minority groups may apply for the remaining Channel 14 allocation. Existing Washington stations and the proposed use of Channel *32 by Howard University can respond to these needs, according to VPTC. Therefore, VPTC urges us to conclude that the need of northern Virginia for noncommercial service outweighs those of Washington for additional commercial service.[10]

9. Plan II is opposed by several parties. Among them, GWETA warns that removal of Channel 14 from Washington will deprive the city of its last opportunity for commercial programming directed to minorities. It states that it does not oppose implementation by CVETC of the statewide plan of VPTC. It agrees about the need for and value of extended service, but it questions whether Plan II is the best way to proceed. Instead, it believes that such coverage can be advanced by the adoption of Plans I or III. In its earlier comments, GWETA had urged the Commission to consider the impact that a third noncommerical, service [11] in the immediate Washington area would have on Station WETA-TV's ability to draw upon and serve the metropolitan area. In this regard, GWETA believes that there is a limited source for donations and that programming duplication, particularly in "prime time," is already to great.

10. The comments of WCTO, Formula,[12] Mayor Barry and Urban Broadcasting Co., urge the retention of Channel 14 in Washington, to provide a needed minority-oriented service to the residents of Washington. They cite and support local attempts to obtain minority ownership in a Channel 14 station. They also believe that existing noncommercial educational service in the Washington area is adequate and that an additional station dependent on the community's contributors would put too great a drain on the already limited donative capacity of the residents.

11. Teltronics Industrial Systems, Inc., expressed concern about the destructive interference that the activation of a television Channel 14 transmitter would have on the receivers in the mobile radio system operating on frequencies just below the Channel 14 frequencies. No indication is given as to how these receivers would be affected by the requested reassignment of Channel *14 to Fairfax. Thus, it is unclear what bearing this has on the rule making action to be taken regarding the channel assignment.

12. SVETC, licensee of the Front Royal translator, complains that the assignment of Channel *56 in Plans I and III would require the station to change frequencies.[13] It contends that the impact of this change would be to place financial burdens not only on it but on the school districts which have equipment tuned to a specific channel. In addition, it asserts that an increase in antenna gain costing approximately $13,500 would be necessary to obtain equivalent service on the new channel. SVETV also notes that the more restrictive locations for a transmitter site for Channel *61 may discourage future attempts at a full local TV broadcast service.[14]

13. The comments of AMST expressed concern over the fact that several possible assignments involve short-spacings. AMST takes no position on the merits of any of the proposed assignment plans but urges our insistence upon compliance with the mileage separation requirements through use of site restrictions if the channels are assigned.

14. The reply comments of CVETC focus primarily on its counterproposal to assign Channel 56 to Washington, which we have previously decided was unacceptable for consideration at this stage (see paragraphs 3 and 4, *supra*).

[9] See paragraph 12, *infra*.

[10] VPTC suggests that if the reassignment of Channel *14 to Fairfax is denied, then Channel *56 should be assigned to Fairfax, with provisions made for the use of a site in Bethesda. A short-spacing to the affected Hazelton assignment could be avoided by a site restriction there.

[11] The noncommercial educational stations serving this area include WETA-TV (Channel 26) an WAPB-TV (Channel 22), Annapolis, Maryland. A fourth noncommercial educational service is planned for the near future, WHMM-TV (Channel 32) (permit issued to Howard University).

[12] Formula requested an extension of time to file additional comments supporting retention of the Channel 14 assignment at Washington. The request was opposed by CVETC. In view of the action taken here, its request for extension to submit additional comments on the need to retain Channel 14 in Washington is rendered moot. Therefore we have denied the request.

[13] On September 25, 1979, SVETC filed additional comments and a motion for leave to their acceptance. These comments are directed to a possible change in the channel of its translator, but no such change is involved in the action taken here. Therefore no purpose would be served by acceptance of these comments.

[14] A list of eight existing translator stations that could be adversely affected by the operation of a full broadcast station on Channel *61 in Front Royal was provided by SVETC.

15. VPTC's reply elaborates on its previous comments concerning the comparative factors which it believes favors the allocation of Channel *14 in northern Virginia. Further, VPTC reemphasizes its view that the Commission may not consider racial factors in allocation decisions. It points to Commission attempts to increase minority ownership which, it says, does not include tampering with the allocation standards. It predicts that if the Commission were to favor the Washington assignment on this basis, then the decision could not withstand scrutiny, citing the recent Supreme Court decision in *Bakke v. Regents of the University of California*, and other cases.

16. In its reply, WCTO notes that the only difference in site flexibility between the Channel 14 and 56 assignments to northern Virginia is that Channel 56 unlike Channel 14 cannot use a site in Washington, D.C. In its opinion, if CVETC were truly interested in northern Virginia, then the site limitation would not be of concern to them. WCTO also points out that it has been Commission policy to treat the various UHF channels as equivalent. It is WCTO's position that the Commission's policy to increase minority ownership should not be frustrated by CVETC's preference in channel numbers.

17. The expressed purpose of CVETC's request in this proceeding is to gain a more desirable location than it now has on Channel *53 for a northern Virginia noncommercial educational station. The means chosen by CVETC to accomplish that purpose was for the Commission to reassign and reserve Channel *14 to Fairfax. The Commission, while agreeing to pursue this suggestion by soliciting comments, also mentioned two other ways of providing better noncommercial educational service to northern Virginia. These, unlike CVETC's proposal, would not do so by depriving Washington of its last available commercial television assignment. Our primary goal needs to be to provide the desired service to both Washington and northern Virginia, rather than deprive one of needed service for a higher level of service at the other. With some modifications to Plan I, the assignment of Channel *56 to Fairfax, and retaining Channel 14 in Washington, would appear best suited for this task. We shall first address CVETC's objections to this channel assignment.

18. CVETC expressed concern about obtaining a desirable transmitter location when faced with antenna orientation toward northwest Washington, or with the lack of a tower site, in specified areas, either existing or to be constructed that could accept its proposed facility. However, CVETC made known to us for the first time in its comments that it is interested in locating on the existing auxiliary transmitter site for Station WJMD(FM), Bethesda, Maryland. CVETC noted that only a Channel 14 station could locate at this site and meet applicable spacing requirements. However, were Channel *56 to be used at the Bethesda site, only a 5.7 mile short spacing to an unoccupied Channel 56assignment at Hazelton, Pennsylvania, would result. At the comment stage, CVETC indicated it could find no replacement channel at Hazelton. However, it is possible to call for an appropriate site restriction for the Hazelton channel to permit CVETC's proposed use of a site in northwest Washington for Channel *56.[15]

Although CVETC has stated that it does not expect to apply for Channel *56, if assigned at Fairfax, that statement was made without the benefit of knowing it could be accommodated at a Bethesda site.[16]

19. Other objections mentioned by CVETC to the Channel *56 assignment at Fairfax, can also be met. The Front Royal translator operating on Channel 42 would not be short-spaced to the Bethesda site. Thus, it would not be necessary to specify a channel modification there. Moreover, we would not expect that an applicant for a full broadcast station on Channel 42 at Front Royal would face difficulty in meeting the spacings to a Bethesda reference point for Channel *56.[17] The Fredericksburg channel (which CVETC uses now at Goldvein) would also remain unaffected if we assume a Bethesda site for Channel 56.[18]

20. Since a viable alternative to the deletion of Channel 14 from Washington exists, it is not necessary to compare the needs of Washington and Fairfax for the same channel. CVETC has not demonstrated, in our opinion, sufficient public interest reasons to justify the removal of Channel 14 from Washington where there are several expressions of interest. CVETC has certainly shown a need for improved service to northern Virginia. Nonetheless, the Commission believes that this need can be adequately met by the allocation of Channel *56 to Fairfax. The record shows that CVETC will be able to provide a quality signal to northern Virginia through the use of a Channel *56 assignment to Fairfax. However, if CVETC still feels aggrieved by this decision, it still has the opportunity to apply for Channel 14 specifying a community in northern Virginia other than Fairfax, under the 15-mile rule. See § 73.607(b) of the Commission's rules.

21. Accordingly, it is ordered, That effective November 14, 1979, the Television Table of Assignments, § 73.606(b) of the Commission's rules, is amended with regard to the cities listed below as follows:

City	Channel No.
Waldorf, Maryland	*58+
Fairfax, Virginia	*56–

22. Authority for the action taken herein is found in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended.

23. It is further ordered, That the Motion to File Additional Comments by SVETC is denied.

24. It is further ordered, That the request of Formula Telecommunications for an extension of time to file additional comments is denied.

25. It is further ordered, That this proceeding is terminated.

26. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-31427 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

[15] It would also appear that the WJMD(FM) auxiliary tower could be increased to a desired height in light of previous FAA clearances of other towers of this height only a mile away.

[16] In addition to the restriction placed on transmitter sites at Hazelton, it would be necessary to use northwest Washington as the reference point for the Channel *56 Fairfax assignment so as to avoid the filing of future Hazelton applications that would otherwise meet the spacing requirements to the Fairfax reference point.

[17] A 2.7 kilometer (1.7 mile) site restriction to the west of Front Royal would be necessary. SVETC's present translator site would be unaffected by the use of Channel *56 in Bethesda at the site specified by CVETC.

[18] On the other hand, should another applicant for Channel *56 obtain the license, there would, in our opinion, remain sufficient flexibility to meet the spacings to WNVT's present site on Channel 53 at Independent Hill.

47 CFR Part 73

[BC Docket 79-131; RM 3288]

Table Assignment § 73.202 FM to Fordyce, Ark.

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a Class A FM channel to Fordyce, Arkansas, in response to a petition filed by KBJT, Inc. The assigned channel can be used to provide a first fulltime local aural broadcast service to the community.

EFFECTIVE DATE: November 16, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the Matter of Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Fordyce, Arkansas); BC Docket No. 79–131 RM–3288.

REPORT AND ORDER; Proceeding Terminated

Adopted: October 1, 1979;

Released: October 3, 1979.

By the Chief, Broadcast Bureau: 1. The Commission has before it a *Notice of Proposed Rule Making*, released June 7, 1979, 44 Fed. Reg. 36081, in response to a petition filed by KBJT, Inc. ("petitioner"), licensee of daytime-only AM Station KBJT, Fordyce, Arkansas, as its first FM assignment. Supporting comments were filed by petitioner reaffirming its intention to apply for the channel, if assigned.

2. Fordyce (pop. 4,690), in Dallas County (pop. 10,022) [1], is located approximately 104 kilometers (65 miles) south of Little Rock, Arkansas. Fordyce is served locally by daytime-only AM Station KBJT.

3. Petitioner states that the proposed assignment would provide a three-county area with its first local nighttime aural service, bringing local coverage of nighttime sporting events, election returns and severe weather warnings. Petitioner has submitted persuasive information with respect to Fordyce and its need for a first FM assignment.

4. Upon careful consideration of the proposal, the Commission believes it would be in the public interest to assign Channel 269A to Fordyce, Arkansas. An interest has been shown for its use, and the assignment would provide for an FM station which could render a first fulltime local aural broadcast service to the community. The assignment can be made in compliance with the minimum distance separation requirements.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. Accordingly, IT IS ORDERED, That effective November 16, 1979, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the Community listed below:

City	Channel No.
Fordyce, Arkansas	269A

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79–31372 Filed 10–10–79; 8:45 am]

BILLING CODE 6712–01–M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[FCC Docket No. 79–128; RM3277]

Frequency Allocation: FM (73.202) Haynesville, La.

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a first Class A FM channel to Haynesville, Louisiana, in response to a petition filed by Robillard Communications, Inc. This channel could be used to provide a first fulltime local aural broadcast service to the community.

EFFECTIVE DATE: November 16, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the Matter of Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations (Haynesville, Louisiana); BC Docket No. 79–128 RM–3277.

Report and Order; Proceeding Terminated

Adopted: September 28, 1979;
Released: October 4, 1979.

By the Chief, Broadcast Bureau: 1. On May 23, 1979, the Commission adopted a *Notice of Proposed Rule Making*, 44 Fed. Reg. 33126, proposing the assignment of Channel 288A to Haynesville, Louisiana, at the request of Robillard Communications, Inc. ("petitioner"). Supporting comments were filed by petitioner in which it stated a readiness to apply for the channel, if assigned.

2. Haynesville (pop. 3,055), in Claiborne Parish (pop. 17,024) [1], is located approximately 80 kilometers (50 miles) northeast of Shreveport, Louisiana. Haynesville is served locally by daytime-only AM Station KLUV.

3. Petitioner states that Haynesville is the second largest community in Claiborne Parish. It has submitted sufficient information with respect to Haynesville to demonstrate its need for a first FM assignment.

4. We believe the public interest would be served by the assignment to Channel 288A to Haynesville, Louisiana. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first fulltime local aural broadcast service. The assignment can be made in conformity with the minimum distance separation requirements.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. Accordingly, IT IS ORDERED, That effective November 16, 1979, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, IS AMENDED with regard to the community listed below:

City	Channel No.
Haynesville, Louisiana	288A

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79–31373 Filed 10–10–79; 8:45 am]

BILLING CODE 6712–01–M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[FCC 79–608]

Radio Broadcast Services; Revising and Streamlining the Alphabetical Index of Part 73 Rules and Regulations

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The alphabetical index of the broadcast rules in Part 73 is revised and streamlined in order to facilitate simpler and quicker access to our rules.

EFFECTIVE DATE: October 22, 1979.

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

FOR FURTHER INFORMATION CONTACT: Steve Crane, John Reiser, Philip Cross, Broadcast Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION:

Order

Adopted: September 27, 1979.

Released: October 5, 1979.

In the matter of Reregulation and Rules Oversight of Radio and TV

Broadcasting to Revise and Streamline the Alphabetical Index of the Part 73 Rules and Regulations.

By the Commission: Commissioner Lee absent.

1. As a result of its continuing studies pertaining to the reregulation of broadcasting and oversight of AM, FM and TV rules, the Commission, in November, 1976, adopted a new alphabetical indexing of rule titles in Part 73 for the AM, FM and TV Broadcast Services.

2. In the *Order* adopting this new addition to the broadcast services' rule book,[1] the Commission stated that it recognized the need "to simplify and facilitate the locating of rules therein." It further noted that "subject matter" entries would be developed since "rule title" entries may not completely reveal all rule subjects. While a particular rule title may be indicative, it is not always all-inclusive of the subject matter therein. Also, there are rules that are colloquially identified, *e.g.*, "station trafficking" and "prime time access" (in TV) that are to be included in addition to the formal rule title.

3. Since alphabetical indexing was adopted as a function to facilitate quick rule location in Part 73, the Commission has adopted three significant Reregulation *Orders* restructuring and reformatting the rule book. The Commission stated [2] in the first of these three restructuring moves "that [the] basic purpose [of the reformatting work] is to facilitate a better understanding of our rules by broadcasters and practitioners through simple and quick access to them."

4. With these first two steps of alphabetical indexing and restructuring accomplished, streamlining of the index is now perceived as desirable and timely. The index, since its inception, has separately listed the alphabetized contents of the rules by the separate subparts for AM (Subpart A), FM (Subpart B), NCE–FM (Subpart C), TV (Subpart E), International Stations (Subpart F) and the Emergency Broadcast System (Subpart G). Since many of the rule titles in this separate subpart indexing are the same or quite similar, the listings were repeated multiple times.

5. This *Order* revises this procedure. The new index format (see Appendix) has been developed in the traditional alphabetical index format and the resultant text greatly streamlines this instrument and substantially reduces its size (by over 33%). Where the separate services' rules bear the same title, but remain in their separate Subparts, the index entry will give the title with the identifying section numbers. Example:

Automatic transmission system facilities	
(AM)	73.142
(FM)	73.342
(NCE–FM)	73.542

6. The index, to this date, repeated in the separate Subparts the listing of rules which had been transplanted (and rewritten as needed for clarification) into Subpart H of Part 73 (Rules applicable to all broadcast stations). As an example, Section 73.1810, Program Logs, would be listed in the Subparts A, B, C, and E indices. (Some rules might be added to Subpart F's index, as well.) Since the restructuring of the rule book has swelled the entries in Subpart H from 14 rules to 120, the repeats of index listings are quite sizable, and the elimination of this repeat-entry format will increase index efficiency accordingly.

7. To further streamline the index format, the specific listings for International Broadcast Stations and Emergency Broadcast Systems are deleted (36 rule sections for EBS and 38 for International Stations) and the entry made just once for each, indicating the Subpart sections to turn to as shown here:

International Broadcast Stations	See 73.701–73.793
Emergency Broadcast System (EBS).	See 73.901–73.962

8. The changes as outlined in the paragraphs above are shown in the attached alphabetical index. These modifications add further simplification and efficiency to Part 73, the broadcast station rule book, additionally refining it into the "total information center" for broadcast operations ". . . which direct the actions and conduct of our licensees."[3]

9. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public.

10. We conclude that, for the reasons set forth above, adoption of these revisions will serve the public interest, and inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rule making, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. § 553(b)(3)(B).

11. Therefore, it is ordered, That pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's Rules and Regulations are amended as set forth in the attached Appendix, effective October 22, 1979.

12. For further information on this *Order*, contact Steve Crane, Phil Cross or John Reiser, Broadcast Bureau, (202) 632–9660.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Alphabetical Index—Part 73

Rules apply to all services, AM, FM, and TV, unless indicated as pertaining to a specific service.

Policies of FCC are indicated (*)

A

[1] *Order*, FCC 76–1042, adopted November 9, 1976.

[2] *Order*, FCC 78–502, adopted July 12, 1978.

[3] Ibid.

[FR Doc. 79-31378 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 73 and 74

[FCC 79-609]

Radio Broadcast Services; Deregulation of Radio and TV Broadcasting

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: As a result of continuing study of reregulation of broadcasting, rules for broadcast stations are amended to update certain procedures, delete regulations that are no longer necessary, and make corrections and editorial revisions for clarity.

EFFECTIVE DATE: October 22, 1979.

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

FOR FURTHER INFORMATION CONTACT: John Reiser, Philip Cross, or Steve Crane, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Order

Adopted: September 27, 1979.
Released: October 5, 1979.

In the matter of Reregulation of Radio and TV Broadcasting.

By the Commission: Commissioner Lee absent.

1. As a result its continuing study of the reregulation of broadcasting and the oversight of the AM, FM and TV rules the Commission herein makes certain changes in its regulations. The amendments, corrections, and clarifications, being made in Parts 73 and 74 of the Rules are necessary because of apparent conflicting provisions and restrictions which have made certain rules either impractical or unnecessary. Additional editorial changes covered by this *Order* include deletion of past dates and cross references to non-existent rule sections deleted by rule making proceedings. Summaries of the corrections and changes are as follows:

(a) Special field test authorizations are issued by the FCC to assist in technical studies of ground conductivity and wave propagation conditions used in the design of directional antenna systems, selection of suitable sites for transmitters, and of other factors relating to broadcast transmissions. The three similar sections in the AM, FM, and TV Subparts of the FCC rules are combined into a single new rule included in Subpart H applicable to all services. (Appendix paragraphs 1, 14, 19, 20, and 33.)

(b) The operating power of all broadcast stations must be maintained within a certain tolerance range, except when the normal power cannot be held due to technical circumstances beyond the licensee's control. The separate but similar rules for AM, FM, NCE-FM, and TV, are being deleted and a single rule § 73.1560 is being added to Subpart H for all stations. The operating tolerances of the existing rules are being retained without modification.

(c) The provisions of the existing AM Rule § 73.52(b), covering the operation of directional antennas, is incorporated in a new rule § 73.62, "Directional antenna system tolerance." This will enable users of the rules to locate the information on these antennas more

readily. (Appendix paragraphs 2, 6, 10, 11, 15, 16, 21, 22, and 35.)

(d) The separate modulation level tolerance rules for each of the broadcast services (AM, FM, and TV sound) are combined into a single rule § 73.1570, applicable to all services for ease of use. The existing tolerances are not modified. (Appendix paragraphs 3, 12, 17, 25, and 37.)

(e) Many AM stations use remote reading, remote control or extension meters for observing the antenna or common point current indications required to determine and maintain the station operating power by the "direct" method. Whenever the regular antenna or common point ammeter located at the antenna tower base or transmitter output terminals becomes defective, stations may temporarily use the alternate but less accurate, "indirect" method to determine the operating power. In a recent Reregulation *Order*, rule Section 73.51 describing the operating power procedures was amended to also permit the use of the "indirect" method to be used when the circuitry or meters used to obtain remote reading, remote control, or extension indications of the regular meter became defective, until repairs could be completed. This eliminated a need to have an operator on duty at the transmitter building, or to make periodic trips to the tower base or transmitter position to read the regular meter. With this *Order*, we are modifying the three separate rules covering remote reading meters (Section 73.57), remote control operation (Section 73.67), and extension meters (§ 73.1550) to remove restrictive language, to include cross references to the previously amended power rule, and to specifically mention that alternative operating procedures may be used for certain failures in the metering systems. (Appendix paragraphs 4, 7, and 34.)

(f) Another technical subject common in five separate rules in Part 73 is the frequency tolerance (carrier frequency departure) for stations in the broadcast services. The five separate rules for AM, FM, NCE–FM, TV, and International broadcast stations are contained in a single new rule: § 73.1565. (Appendix paragraphs 5, 13, 18, 23, 30, and 36.)

(g) AM stations using directional antennas with sampling systems installed according to specifications adopted in 1976, may be exempted from a number of inspection and logging requirements applicable to stations not having such sampling systems. The exemptions are based on a showing of compliance with the technical standards. Based on suggestions by both station licensees and the FCC staff responsible for processing the requests for sampling system approval and exemption, a listing of the specific information required for evaluating the request is being added to the rule. This guidance should reduce the number of incomplete requests returned for additional information, avoid delays for the licensee in obtaining relief, and help reduce FCC backlogs of pending applications. (Appendix paragraph 8.)

(h) The note in the AM operator requirement rule § 73.93 following paragraph (e) is being editorially deleted. This note was only applicable prior to June 1, 1977, and references another rule note that no longer exists. (Appendix paragraph 9.)

(i) One of the technical rules that generates frequent inquiries for explanation from station technical personnel is the one concerning the determination of operating power for FM broadcast stations. (§ 73.267, Operating power, determination and maintenance). Because of previous changes in certain parts of the rule, the existing text is difficult to follow in a sequential manner. The entire rule is being restructed and rewritten for clarification and ease of use. Since the operating power rules for TV stations are very similar, the TV rules are also restructured and rewritten in a similar manner. The existing FM and TV rule covering both the procedures for determining the operating power and the operating tolerances for maintaining power are being divided into separate sections, similar to the existing AM rules. The power tolerance rule was discussed in paragraph (b), above. Although numerous suggestions have been received for modifying the procedures for determining operating power, such suggestions are beyond the scope of a Reregulation Order and will be incorporated into a Notice of Proposed Rule Making upon which licensees may comment. (Appendix paragraphs 10, 11, 15, 16, 21, and 22.)

(j) The obsolete note following § 73.676(f)(5), TV remote control opertion, is being deleted, since the note provisions were only applicable prior to November 15, 1975. (Appendix paragraph 24.)

(k) Numerous regulations applicable in common to all broadcast stations are listed in Subpart H of Part 73 of the rules. However, some of these rules were separately retained in Subpart F for International Broadcast stations. Many of the editorial corrections and amendments previously made to the common rules in Subpart H, were not concurrently made in Subpart F. The primary purpose to having a rule common to all services is to avoid unintentional variations and incomplete amendments previously occurring when five separate rules were written for AM, FM, NCE–FM, TV and the International Radio services. With this *Order*, six separate rules in Subpart F, for International Broadcast stations, are being cross referenced to the existing common rules covering the identical requirements or procedures in Subpart H. The rules are, "Cross references to rules in other Parts," "Notification of filing of applications," "Station inspection," "Station license and seasonal schedules, posting of," "Antenna structure, marking and lighting," and "Discontinuance of operation." (Appendix paragraphs 26, 27, 28, 31, and 32.)

(l) A typographical error in the cross reference is corrected and a subparagraph on indirect power is rewritten for clarity and ease of use in operating log rule § 73.1820(a)(2)(ii). (Appendix paragraph 38.)

(m) Recent editorial corrections made in § 73.1030, a rule concerning notification of construction of broadcast facilities in the vicinity of radio astronomy, research or receiving facilities are required in the rules for the broadcast auxiliary services, § 74.12. Since the two rules have identical functions, the existing text of § 74.12 is being deleted and cross reference is being made to § 73.1030. (Appendix paragraph 39.)

2. Many of the changes described above clarify present operating requirements; however, no substantive changes are made which would impose additional burdens or remove provisions relied upon by licensees or the public. We therefore conclude that, for the reasons set forth above, adoption of these revisions will serve the public interest, and inasmuch as these amendments impose no additional burdens and raise no issues upon which comments would serve any useful purpose, prior notice of rule making, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 552(b) (3)(B).

3. Therefore, IT IS ORDERED, That pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's Rules and Regulations ARE AMENDED as set forth in the attached Appendix, effective October 22, 1979.

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

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

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

1. Section 73.36 is revised to read as follows:

§ 73.36 Special field test authorization.

See § 73.1515.

2. Section 73.52, including headnote, is revised to read as follows:

§ 73.52 Operating power.

See §§ 73.62 and 73.1560.

3. Section 73.55 is revised to read as follows:

§ 73.55 Modulation.

See § 73.1570.

4. In § 73.57, paragraph (g) is amended to read as follows:

§ 73.57 Remote reading antenna and common point ammeters.

* * * * *

(g) If a malfunction affects the remote reading indications of the antenna or common point ammeter, the operating power may be determined by the indirect method using the procedures described in § 73.51(e) for a period not to exceed 60 days. Alternatively, the operating power may be determined by the direct method on a continued basis by reading the regular antenna or common point ammeters with indications entered in the operating log once each day for each mode of operation until the defective remote metering is repaired.

5. Section 73.59 is revised to read as follows:

§ 73.59 Frequency tolerance.

See § 73.1545.

6. New § 73.62 is added to Part 73, Subpart A to read as follows:

§ 73.62 Directional antenna system tolerances.

Each AM station operating a directional antenna must maintain the indicated relative amplitudes of the antenna base currents and antenna monitor currents within 5% of the values specified on the instrument of authorization, unless other tolerances are specified therein.

7. In § 73.67, paragraph (a)(3) is amended to read as follows:

§ 73.67 Remote control operation.

(a) * * *

* * * * *

(3) A malfunction of any part of the remote control system resulting in improper control shall be cause for the immediate cessation of operation by remote control. A malfunction of any part of the remote control system which results in inaccurate meter indications used in determining operating power or directional antenna performance shall be cause for the termination of use of remote control no longer than 1 hour after the malfunction is detected. If the malfunction only affects the indications of the antenna or common point ammeter, the operating power may be determined by the indirect method using the procedures described in § 73.51(e) for a period not to exceed 60 days.

* * * * *

8. In Section 73.68, the introduction of paragraph (a) and paragraph (c) are amended, and new paragraph (f) is added to read as follows:

§ 73.68 Sampling systems for antenna monitors.

(a) The following requirements govern the installation of systems employed to extract samples of the currents flowing in the elements of a directional antenna, and to deliver these samples, to the antenna monitor. Each new station issued a construction permit, each existing station issued a construction permit authorizing tower construction, and any existing station undertaking modification or reconstruction of its sampling system must install the system meeting the following requirements. The application for license or modification of license must describe the system in sufficient detail to demonstrate its compliance with the following:

(1) * * *

* * * * *

(c) An existing station with an antenna monitor sampling system meeting the specifications of paragraphs (a) (1) and (2) of this Section, wishing to be exempted from the logging and measurement requirements listed in paragraph (b) may send an informal request to the FCC in Washington, D.C. The request must be signed by the licensee or officer of the licensee and contain sufficient information to show compliance with the requirements of paragraph (a), including the following:

(1) The brand and type number of the coaxial sampling line cable, with a description of the dielectric material and electrical characteristics.

(2) The overall length of each sampling line. If cables of different length are installed, the calculations to show that the phase difference of signals at the monitor are less than 0.5 degrees between the shortest and longest cable lengths.

(3) A description of the sampling elements (loops or current transformers) and the position of their installation, and when loops are installed, whether bonded or insulated mounting is used.

* * * * *

(f) If an existing sampling system is found to be patently of marginal construction, or where the performance of a directional antenna is found to be unsatisfactory, and this deficiency reasonably may be attributed, in whole or in part, to inadequacies in the antenna monitoring system, the FCC may require the reconstruction of the sampling system in accordance with requirements specified above.

§ 73.93 [Amended]

9. In § 73.93, Note 1 following paragraph (e)(3) is deleted.

10. New § 73.266 is added to read as follows:

§ 73.266 Operating power.

(a) *Determination.* See § 73.267.

(b) *Maintenance.* See § 73.1560.

(c) *Reduced power.* See § 73.1560.

11. Section 73.267, including headnote, is revised to read as follows:

§ 73.267 Determining operating power.

(a) The operating power of each FM station is to be determined by either the direct or indirect method.

(b) *Direct method.* The direct method of power determination for an FM station uses the indications of a calibrated transmission line meter (responsive to relative voltage, current, or power) located at the RF output terminals of the transmitter. The indications of the calibrated meter are used to observe and maintain the authorized operating power of the station. This meter must be calibrated by the licensee at intervals not exceeding 6 months and whenever there is any indication that the calibration is inaccurate or whenever any component in the metering circuit is repaired or replaced. The following calibration procedures are to be used:

(1) The transmission line meter is calibrated by measuring the power at output terminals of the transmitter while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance. The transmitter is to be unmodulated during this measurement.

(2) If electrical devices are used to determine the power output, such devices must permit determination of this power to within an accuracy of ±5% of the power indicated by the full scale reading of the electrical indicating instrument of the device. If temperature and coolant flow indicating devices are used to determine the power output, such devices must permit determination

of this power to within an accuracy of ±4% of measured average power output. During this calibration, the input voltage and current of the final radio-frequency amplifier stage and the transmission line meter are to be read and compared with similar readings taken with the dummy load replaced by the antenna. These readings should be in substantial agreement.

(3) The calibration must cover, as a minimum, the range from 90% to 105% of authorized power and the meter must provide clear indications which will permit maintaining the operating power within the prescribed tolerance or the meter shall be calibrated to read directly in power units.

(c) *Indirect method.* The operating power is determined by the indirect method by applying an appropriate factor to the input power to the last radio-frequency power amplifier stage of the transmitter, using the following formula:

Transmitter output power = Ep X Ip X *F*
Where:
Ep = DC input voltage of final radio stage.
Ip = Total DC input current of final radio stage.
F = Efficiency factor.

(1) If the above formula is not appropriate for the design of the transmitter final amplifier, use a formula specified by the transmitter manufacturer with other appropriate operating parameters.

(2) The value of the efficiency factor, *F*, established for the authorized transmitter output power is to be used for maintaining the operating power, even though there may be some variation in *F* over the power operating range of the transmitter.

(3) The value of *F* is to be determined and a record kept thereof, by one of the following procedures listed in order of preference:

(i) Using the most recent measurement data for calibration of the transmission line meter according to the procedures described in paragraph (a) of this Section or the most recent measurements made by the licensee to establish the value of *F*. In the case of composite transmitters or those in which the final amplifier stages have been modified pursuant to FCC approval, the licensee must furnish the FCC and retain with the station records the measurement data used as a basis for determining the value *F*.

(ii) Using measurement data shown on the transmitter manufacturer's test data supplied to the licensee; provided that measurements were made at the authorized frequency and transmitter output power.

(iii) Using the transmitter manufacturer's measurement data submitted to the FCC for type approval and as shown in the instruction book supplied to the licensee.

12. Section 73.268 is revised to read as follows:

§ 73.268 Modulation.

See § 73.1570.

13. Section 73.269 is revised to read:

§ 73.269 Frequency tolerance.

See § 73.1545.

14. Section 73.278 is revised to read as follows:

§ 73.278 Special field test authorization.

See § 73.1515.

15. New § 73.566 is added to read as follows:

§ 73.566 Operating power.

(a) *Determination.* See § 73.267.
(b) *Maintenance.* See § 73.1560.
(c) *Reduced power.* See § 73.1560.

16. Section 73.567, including headnote, is revised to read as follows:

§ 73.567 Determining operating power.

The procedures for determining operating power described in § 73.267 are applicable to noncommercial educational FM stations.

17. Section 73.568 is revised to read as follows:

§ 73.568 Modulation.

See § 73.1570.

18. Section 73.569 is amended to read:

§ 73.569 Frequency tolerance.

See § 73.1545.

19. New § 73.578 is added to Subpart C to read as follows:

§ 73.578 Special field test authorization.

See § 73.1515.

20. Section 73.627 is revised to read as follows:

§ 73.627 Special field test authorization.

See § 73.1515.

21. Section 73.689 is revised to read as follows:

§ 73.689 Operating power.

(a) *Determination.* See §73.663.
(b) *Maintenance.* See § 73.1560.
(c) *Reduced power.* See § 73.1560.

22. New § 73.663 is added to Subpart E to read as follows:

§ 73.663 Determining operating power.

(a) The operating power of the visual transmitter of each TV station shall normally be determined by the direct method. The operating power of the aural transmitter may be determined by either the direct or indirect method.

(b) *Direct method, visual transmitter.* The direct method of power determination for a TV visual transmitter uses the indications of a calibrated transmission line meter (responsive to peak power) located at the RF output terminals of the transmitter. The indications of the calibrated meter are used to observe and maintain the authorized operating power of the visual transmitter. This meter must be calibrated by the licensee at intervals not exceeding 6 months and whenever there is any indication that the calibration is inaccurate or whenever any component in the metering circuit is repaired or replaced. The following calibration procedures are to be used:

(1) The transmission line meter is calibrated by measuring the average power at the output terminals of the transmitter, including any vestigial sideband and harmonic filters which may be used in normal operation. For this determination the average power output is measured while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance. During this measurement the transmitter is to be modulated only by a standard synchronizing signal with blanking level set at 75% of peak amplitude as observed in an output waveform monitor, and with this blanketing level amplitude maintained throughout the time interval between synchronizing pulses.

(2) If electrical devices are used to determine the output power, such devices must permit determination of this power to within an accuracy of ±5% of the power indicated by the full scale reading of the electrical indicating instrument of the device. If temperature and coolant flow indicating devices are used to determine the power output, such devices must permit determination of this power to within an accuracy of ±4% of measured average power output. The peak power output is the power so measured in the dummy load multiplied by the factor 1.68. During this measurement the input voltage and current to the final radio frequency amplifier stage and the transmission line meter are to be read and compared with similar readings taken with the dummy load replaced by the antenna. These readings must be in substantial agreement.

(3) The meter must be calibrated with the transmitter operating at 80%, 100%, and 110% of the authorized power as often as may be necessary to insure compliance with the requirements of this paragraph and in any event at intervals

of no more than 6 months. In cases where the transmitter is incapable of operating at 110% of the authorized power output, the calibration may be made at a power output between 100% and 110% of the authorized power output. However, where this is done, the output meter must be marked at the point of calibration of maximum power output, and the station will be deemed to be in violation of this rule if that power is exceeded. The upper and lower limits of permissible power deviation as determined by the prescribed calibration, must be shown upon the meter either by means of adjustable red markers incorporated in the meter or by red marks placed upon the meter scale or glass face. These markings must be checked and changed, if necessary, each time the meter is calibrated.

(c) *Direct method, aural transmitter.* The direct method of power determination for a TV aural transmitter uses the indications of a calibrated transmission line meter (responsive to relative voltage, current, or power) located at the RF output terminals of the transmitter. The indications of this calibrated meter are used to observe and maintain the authorized aural operating power of the station. This meter must be calibrated by the licensee at intervals not exceeding 6 months and whenever there is any indication that the calibration is inaccurate or whenever any component in the metering circuit is repaired or replaced. The following calibration procedures are to be used:

(1) The transmission line meter is calibrated by measuring the average power at the output terminals of the transmitter which includes any harmonic filters that may be used during operation. For this determination the output power is measured while operating into a dummy load of substantially zero reactance and a resistance equal to the transmission line characteristic impedance. The transmitter must be unmodulated during this measurement.

(2) If the electrical devices are used to determine the output power, such devices must permit determination of this power to within an accuracy of ±5% of the power indicated by the full scale reading of the electrical indicating instrument of the device. If temperature and coolant flow indicating devices are used to determine the power output, such devices must permit determination of this power to within an accuracy of 4% of measured average power output. During this measurement the input voltage and current of the final radio-frequency amplifier stage and the transmission line meter are to be read and compared with similar readings taken with the dummy load replaced by the antenna. These readings must be in substantial agreement.

(3) The meter must be calibrated with the transmitter operating at 80%, 100%, and 110% of the authorized power as often as may be necessary to insure compliance with the requirements of this paragraph and in all cases at intervals of not more than 6 months. In cases where the transmitter is incapable of operating at 110% of the authorized power output, the calibration may be made at a power output between 100% and 110% of the authorized power output. However, where this is done, the output meter must be marked at the point of calibration of maximum power output, and the station will be deemed to be in violation of this rule if that power is exceeded. The upper and lower limits of permissible power deviation as determined by the prescribed calibration, must be shown upon the meter either by means of adjustable red markers incorporated in the meter or by red marks placed upon the meter scale or glass face. These markings must be checked and changed, if necessary, each time the meter is calibrated.

(d) *Indirect method, visual or aural transmitter.* The operating power is determined by the indirect method by applying an appropriate factor to the input power to the final radio-frequency amplifier stage of the transmitter using the following formula:

Transmitter output power = Ep X Ip X T3F

Where:

Ep = DC input voltage of the final radio-frequency amplifier stage.
Ip = DC input current of the final radio-frequency amplifier stage.
F = Efficiency factor.

(1) If the above formula is not appropriate for the design of the transmitter final amplifier, use a formula specified by the transmitter manufacturer with other appropriate operating parameters.

(2) The value of the efficiency factor, *F* established for the authorized transmitter output power is to be used for maintaining the operating power, even though there may be some variation in *F* over the power operating range of the transmitter.

(3) The value of *F* is to be determined and a record kept thereof by one of the following procedures listed in order of preference:

(i) Using the most recent measurement data for calibration of the transmission line meter according to the procedures described in paragraph (c) of this Section or the most recent measurements made by the licensee to establish the value of *F*. In the case of composite transmitters or those in which the final amplifier stages have been modified pursuant to FCC approval, the licensee must furnish the FCC and also retain with the station records the measurement data used as a basis for determining the value *F*.

(ii) Using measurement data shown on the transmitter manufacturer's test data supplied to the licensee, provided that measurements were made at the authorized carrier frequency and transmitter output power.

(iii) Using the transmitter manufacturer's measurement data submitted to the FCC for type acceptance as shown in the instruction book supplied to the licensee.

23. Section 73.668 is revised to read:

§ 73.668 Frequency tolerance.

See § 73.1545.

§ 73.676 [Amended]

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

25. In § 73.687, paragraph (b)(7) is amended to read as follows:

§ 73.687 Transmitters and associated equipment.

* * * * *

(b) * * *

(7) Aural modulation levels are specified in § 73.1570.

* * * * *

26. Section 73.710 is revised to read as follows:

§ 73.710 Cross reference to rules in other Parts.

See § 73.1010.

27. Section 73.711 is revised to read as follows:

§ 73.711 Notification of filing of applications.

See § 73.1030.

28. Section 73.762 is revised to read as follows:

§ 73.762 Station inspection.

See § 73.1225.

29. Section 73.763 is revised to read as follows:

§ 73.763 Station license and seasonal schedules, posting of.

See § 73.1230.

30. Section 73.767 is revised to read:

§ 73.767 Frequency tolerance.

See § 73.1545.

31. Section 73.768 is revised to read as follows:

§ 73.768 Antenna structure, marking and lighting.

See § 73.1213.

32. Section 73.769 is revised to read as follows:

§ 73.769 Discontinuance of operation.

See § 73.1750.

33. New § 73.1515 is added to Subpart H to read as follows:

§ 73.1515 Special field test authorizations.

(a) A special field test authorization may be issued to conduct field strength surveys to aid in the selection of suitable sites for broadcast transmission facilities, determine coverage areas, or to study other factors influencing broadcast signal propagation. The applicant for the authorization must be qualified to hold a license under Section 303(1)(l) of the Communications Act.

(b) Requests for authorizations to operate a transmitter under a Special field test authorization must be in writing using an informal application in letter form, signed by the applicant and including the following information:

(1) Purpose, duration and need for the survey.

(2) Frequency, transmitter output powers and time of operation.

(3) A brief description of the test antenna system, its estimated effective radiated field and height above ground or average terrain, and the geographic coordinates of its proposed location(s).

(c) Operation under a special field test authorization is subject to the following conditions:

(1) No objectionable interference will result to the operation of other authorized radio services; in this connection, the power requested shall not exceed that necessary for the purposes of the test.

(2) The carriers will be unmodulated except for the transmission of a test-pattern on a visual TV transmitter, and for hourly voice station identification on aural AM, FM and TV transmitters.

(3) The transmitter output power or antenna input power may not exceed those specified in the test authorization and the operating power must be maintained at a constant value for each phase of the tests.

(4) The input power to the final amplifier stage, and the AM antenna current or the FM or TV transmitter output power must be logged at half-hour intervals and at any time that the power is adjusted or changed. Copies of the station logs must be submitted to the FCC with the required report.

(5) The test equipment may not be permanently installed, unless such installation has been separately authorized. Mobile units are not deemed permanent installations.

(6) AM and FM test transmitters must be operated by or under the personal direction of an operator holding a First-Class or Second-Class Radiotelephone Operator Certificate. TV test transmitters must be operated by or under the personal direction of an operator holding a First-Class Operator Certificate.

(7) A report, containing the measurements, their analysis and other results of the survey shall be filed with the FCC in Washington, D.C. within sixty (60) days following the termination of the test authorization.

(8) The test transmission equipment, installation and operation thereof need not comply with the requirements of FCC rules and standards except as specified in this Section if the equipment, installation and operation are consistent with good engineering principles and practices.

(d) A special field test authorization may be modified or terminated by notification from the FCC if in its judgment such action will promote the public interest, convenience and necessity.

34. In § 73.1550, paragraph (d)(2) is amended to read as follows:

§ 73.1550 Extension meters.

* * * * *

(d) * * *

* * * * *

(2) *AM stations.* In addition to (1) above, if the malfunction affects the extension indications of antenna or common point ammeter, the operating power may be determined by the indirect method using the procedures described in § 73.51(e) for a period not to exceed 60 days. Alternatively, the operating power may be determined by the direct method on a continued basis by reading the regular antenna or common point ammeter with indications entered in the operating log once each day for each mode of operation until the defective extension metering is repaired. If the malfunction affects the extended indications of the directional antenna monitor, the pertinent entries required in the operating log must be obtained at the specified intervals at the monitor location.

* * * * *

35. New § 73.1560 is added to Part 73, Subpart H to read as follows:

§ 73.1560 Operating power tolerance.

(a) *AM stations.* Except as provided for in paragraph (d), the antenna input power of an AM station as determined by the procedures specified in § 73.51 must be maintained as near as is practicable to the authorized antenna input power and may not be less than 90% nor more than 105% of the authorized power.

(b) *FM stations.* Except as provided in paragraph (d), the transmitter output power of an FM station with power output as determined by the procedures specified in § 73.267 (§ 73.567 for noncommercial educational FM stations) authorized for output power more than 10 watts must be maintained as near as practicable to the authorized transmitter output power and may not be less than 90% nor more than 105% of the authorized power. FM stations operating with authorized transmitter output power of 10 watts or less, may operate at less than the authorized power, but not more than 105% of the authorized power.

(c) *TV stations.* Except as provided in paragraph (d), 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 is practicable to the authorized transmitter output powers and may not be less than 80% nor more than 105% of the authorized powers. The FCC may specify deviation from the power tolerance requirements for subscription television operations to the extent it deems necessary to permit proper operation.

(d) *Reduced power operation.* In the event it becomes technically impossible to operate with the authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, a notification must be sent to the FCC in Washington, D.C., not later than the 10th day of the lower power operation. In the event the normal power is restored prior to the expiration of the 30 day period, the licensee must notify the FCC upon restoration of normal operation. If causes beyond the control of the licensee prevent restoration of authorized power within 30 days, an informal written request must be made to the FCC in Washington, D.C., no later than the 30th day for the additional time as may be necessary.

36. New § 73.1545 is added to Part 73, Subpart H, to read as follows:

§ 73.1545 Carrier frequency departure tolerances.

(a) *AM stations.* The departure of the carrier frequency of an AM station may not exceed ±20 hertz from the assigned frequency.

(b) *FM stations.* (1) The departure of the carrier or center frequency of an FM station with an authorized transmitter output power more than 10 watts may not exceed ±1000 hertz from the assigned frequency.

(2) The departure of the carrier or center frequency of an FM station with an authorized transmitter output power of 10 watts or less may not exceed ±3000 hertz from the assigned frequency.

(c) *TV stations.* (1) The departure of the visual carrier frequency of a TV station may not exceed ±1000 hertz from the assigned visual carrier frequency.

(2) The departure of the aural carrier frequency of a TV station may not exceed ±1000 hertz from the actual visual carrier frequency plus exactly 4.5 MHz.

(d) *International broadcast stations.* The departure of the carrier frequency of an International broadcast station may not exceed 0.0015% of the assigned frequency on which the station is transmitting.

37. New § 73.1570 is added to Part 73, Subpart H to read as follows:

§ 73.1570 Modulation levels: AM, FM, and TV aural.

(a) The percentage of modulation is to be maintained at as high a level as is consistent with good quality of transmission and good broadcast service, with maximum levels not to exceed the values specified in paragraph (b). Generally, the modulation should not be less than 85% on peaks of frequent recurrence, but where lower modulation levels may be required to avoid objectionable loudness or to maintain the dynamic range of the program material, the degree of modulation may be reduced to whatever level is necessary for this purpose, even though under such circumstances, the level may be substantially less than that which produces peaks of frequent recurrence at a level of 85%.

(b) Maximum modulation levels must meet the following limitations:

(1) *AM stations.* In no case shall the modulation exceed 100% on negative peaks of frequent recurrence, or 125% on positive peaks at any time.

(2) *FM stations.* In no case shall the total modulation exceed 100% on peaks of frequent recurrence.

(i) FM stations transmitting stereophonic programs must meet the stereophonic signal modulation specifications of paragraphs (b), and (i) of § 73.322.

(ii) FM stations transmitting multiplex signals for SCA or telemetry purposes must meet the multiplex signal modulation specifications of § 73.319(c).

(3) *TV stations.* In no case shall the total modulation of the aural carrier exceed 100% on peaks of frequent recurrence, unless some other peak modulation level is specified in an instrument of authorization.

(i) [Reserved]

(ii) TV stations transmitting multiplex signals on the aural carrier for telemetry, or Subscription Television Service, must limit the modulation of the main carrier by the arithmetic sum of the subcarriers to not more than 10%, unless some other subcarrier modulation level is specified in the instrument of authorization.

(c) If a limiting or compression amplifier is employed to maintain modulation levels, precaution must be taken so as not to substantially alter the dynamic characteristics of programs.

38. In § 73.1820, paragraph (a)(2)(ii) is corrected to read as follows:

§ 73.1820 Operating logs.

* * * * *

(a) * * *

* * * * *

(2) * * *

* * * * *

(ii) When the operating power is determined by the indirect method, the efficiency factor F and either the product of the final amplifier input voltage and current or the calculated antenna input power. See § 73.51(e).

* * * * *

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

39. Section 74.12 is revised to read as follows:

§ 74.12 Notification of filing of applications.

The provisions of § 73.1030 "Notification concerning interference to Radio Astronomy, Research, and Receiving Installations" apply to all stations authorized under this Part of the FCC Rules except the following:

(a) Mobile remote pickup stations (Subpart D).

(b) TV pickup stations (Subpart F).

(c) Low power auxiliary stations (Subpart H).

[FR Doc. 79-31377 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 83

[PR Docket No. 79-147; FCC 79-570]

Stations on Shipboard in the Maritime Services; Providing Specifications of Portable Radio Equipment To Be Used in Totally Enclosed Lifeboats

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: These rules amend current FCC rules to provide special requirements for portable radio equipment to be used in totally enclosed lifeboats. These lifeboats are now required on some vessels with flammable cargoes and on mobile offshore drilling units. Existing survival craft radio specifications were found to be inadequate for the totally enclosed lifeboats. The new rules will enhance safety and convenience in those situations where totally enclosed lifeboats and radio equipment are necessary.

EFFECTIVE DATE: November 16, 1979.

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

FOR FURTHER INFORMATION CONTACT: Penny Wells, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)

Adopted: September 18, 1979.

Released: October 9, 1979.

In the matter of amendment of Part 83 of the rules to provide specifications of portable radio equipment to be used in totally enclosed lifeboats. PR Docket No. 79-147.

By the Commission:

1. A Notice of Proposed Rule Making in the above-captioned matter was released on June 18, 1979, and was published in the **Federal Register** on June 25, 1979, 44 FR 37015. The time for filing comments and reply comments has expired. One interested party, the Central Committee on Telecommunications of the American Petroleum Institute (API), filed comments.

2. This rulemaking will provide specifications for portable radio equipment to be used in totally enclosed lifeboats. The Coast Guard requires that totally enclosed lifeboats be provided on cargo ships with flammable contents such as liquid natural gas tankers and, as of January 3, 1979, on mobile offshore drilling units (MODUs). The Commission discovered, however, that the portable survival craft radio equipment currently specified in our rules is unsatisfactory for use in totally enclosed lifeboats. The equipment is too heavy to be easily carried up the ladder to the lifeboat and too bulky to fit easily through the doorway to the lifeboat. The most troubling aspect of the currently-prescribed equipment, however, is the antenna system. To erect the antenna, a person must climb onto the roof of the

lifeboat and set up and secure the antenna. The new rules prescribe a lighter, more compact unit with a freestanding, collapsible rod antenna which can be erected without any person going outside of the lifeboat. The new rules also provide for an optional ground plate instead of a grounding conductor.

3. The commenter, API, responded favorably to these major changes in equipment specifications. They objected to the language we proposed in redefining acceptable equipment storage locations. They also recommended two additions to the rulemaking. One addition is relatively minor and we have accepted it, but the other addition involves a change in power source specifications and opens an area not contemplated by this rulemaking.

4. Our Notice of Proposed Rule Making recommended that the language specifying storage location of the survival craft equipment be amended to permit the option of storage "at a protected location near a lifeboat" as well as in the radio room or bridge. API suggests now that the words "radio room or bridge" are superfluous and should be deleted. We would like to keep the language "radio room or bridge" in the rule because, although we now permit more flexibility in storage location, we would still prefer that the radio be kept in the radio room or bridge if at all practicable.

5. API also recommends that the artificial antenna required by Section 83.557(g) be marked "USE FOR TEST ONLY." We have no objections to this recommendation and we have included a section in the rules to that effect.

6. Finally, API proposes that language be added to Section 83.557(d)(2) to require the portable survival craft equipment to be capable of connection to the electrical system which powers the lifeboat. Currently, the proposed radio has a self-contained power source which derives its supply from a hand generator.

7. The 1974 Safety of Life at Sea (SOLAS) Convention does not contemplate the connection of external power sources to portable survival craft equipment. (See Chapter IV, Regulation 14(h)). We concur with the SOLAS regulation. We think there is substantial merit in the idea that emergency equipment should be completely self-contained. If an external power source connection option was included, the Commission would require that all possible sources of energy which could be connected to this emergency equipment be approved. Checking the sources of energy available in different models of the totally enclosed lifeboat would be a large job in itself and possibly outside of the realm of our authority. Moreover, this portable radio equipment may be used in any number of situations not involving totally enclosed lifeboats. We think the effort to assure widespread electrical compatibility would be impracticable. We also believe that even with protective circuitry as suggested by API, the possibility exists that an untrained person would try to connect the survival craft equipment to an incompatible source. The danger of ruining the equipment outweighs the limited convenience to be gained by API's suggestion. Therefore, we are not requiring that the portable survival craft equipment provide for the connection of external power sources.

8. We are establishing a June 1, 1980 date for the installation of new equipment in totally enclosed lifeboats. This date will provide adequate time for the purchase, delivery and installation of the required portable survival craft equipment. During the interim portable survival craft equipment for other than totally enclosed lifeboats may continue to be used, however, we encourage the fitting of equipment complying with the new technical standards for totally enclosed lifeboat equipment as soon as possible.

9. In reviewing this proposed rulemaking, we noticed that through an oversight, the proposed Section 83.557(f), which specifies two alternative grounding systems, provides that electrical connection be able to be made from inside the boat only to the ground plate alternative. Therefore, we are adding a phrase to include the grounding conductor in the electrical connection requirement as well.

10. Regarding questions on matters covered in this document, contact Penny Wells, (202) 632-7175.

11. Accordingly, It is ordered, That Part 83 of the rules is amended as indicated in the attached Appendix effective November 16, 1979. Authority for the promulgation of these rules is contained in Sections 4(i), 303 (e), (f) and (r), and 357 of the Communications Act of 1934, as amended.

12. It is further ordered, That this proceeding is terminated.

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

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

1. Section 83.472 (b) is amended and (c) is added to read as follows:

§ 83.472 Survival craft portable radiotelegraph equipment.

* * * * *

(b) The equipment shall be stowed in the radio room, bridge or a protected location near a lifeboat and shall be readily accessible for transfer to a lifeboat. However, in tankers of 3000 gross tons and over in which lifeboats are fitted amidships and aft, this equipment shall be kept in a suitable place in the vicinity of those lifeboats which are furthest away from the ship's main transmitter.

(c) In addition, equipment for totally enclosed lifeboats shall meet the extra requirements specified in Section 83.557.[1]

2. Section 83.557(a) (4) and (8), (e), (f) and (g) are amended to read as follows:

§ 83.557 Requirements for survival craft portable radio equipment.

(a) There shall be provided as a single unit a portable buoyant apparatus consisting of a transmitter, receiver including headphones, power supply, grounding system, antenna system and line for lowering the apparatus. Each totally enclosed lifeboat shall comply with the additional equipment requirements specified in this section.

(1) * * *
(2) * * *
(3) * * *

(4) The apparatus exclusive of the line for lowering shall not weigh more than sixty pounds. Apparatus for use in a totally enclosed lifeboat shall not weigh more than forty pounds.

(5) * * *
(6) * * *
(7) * * *

(8) The maximum overall dimensions of apparatus to be used in totally enclosed lifeboats including accessories shall not exceed 35 by 40 by 50 centimeters.

* * * * *

(e) The antenna system shall consist of a single wire antenna with a collapsible mast or a collapsible rod antenna conforming to the following requirements:

(1) The collapsible mast shall be of the maximum practicable height as approved by the Commission for each

[1] Applicable to equipment for use in totally enclosed lifeboats effective June 1, 1980.

particular type of survival craft radio apparatus. The single wire antenna shall consist of a length of at least 12 meters of extra-flexible stranded copper having a cross-sectional area of not less than 10,000 circular mils together with means for effective insulation of the antenna, means for fastening the wire to the antenna supports, and means for making electrical connection to the transmitter.

(2) The collapsible rod antenna shall be of the maximum practicable height as approved by the Commission for each particular type of survival craft radio apparatus.

(3) Each totally enclosed lifeboat shall be provided with a collapsible rod antenna which operates in either a freestanding position or supported only by a grommet in the canopy of the enclosed lifeboat. The antenna shall be capable of being erected without any person going outside of the enclosed lifeboat.

(f) The grounding system shall consist of either a conducting wire or plate to provide an efficient ground for the portable survival craft equipment. The conducting wire shall consist of a length of not less than 6 meters of No. 10 bare stranded copper or equivalent copper braid effectively weighted at one end for immersion in the sea. The ground plate shall consist of a bare plate and/or strips of corrosion resistant metal having a total area of at least .6 square meters and shall be located on the hull of the lifeboat below the waterline. Provisions shall be included to permit an electrical connection to be readily made to the grounding conductor and to the ground plate from inside the lifeboat.

(g)(1) The artificial antenna shall provide a reliable load for the transmitter for test purposes, at the frequencies 500 kHz and 8364 kHz, of approximately the same electrical characteristics as the single wire or collapsible rod antennas required by this section.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labelled.

(3) The artificial antenna shall be prominently labelled "FOR TEST USE ONLY."

[FR Doc. 79-31376 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[FR Docket No. 79-106; FCC 79-583]

Changing the Cochannel Mileage Separation and Frequency Loading Standards for Conventional Land Mobile Radio Systems in the Bands 806-821 and 851-866 MHz

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: The Federal Communications Commission revises rules which prescribe the co-channel mileage separation and frequency loading standards for conventional land mobile radio systems in the bands 806–821 and 851–866 MHz. This action will increase the efficiency of spectrum utilization by conventional land mobile radio systems in these bands.

EFFECTIVE DATE: November 12, 1979.

ADDRESSES: Federal Communications Commission, 2025 M Street NW., Washington, D.C., 20554.

FOR FURTHER INFORMATION CONTACT: Lewis H. Goldman, Private Radio Bureau, Rules Division, Washington, D.C. 20554, (202) 632–6497.

Report and Order

Adopted: September 25, 1979.
Released: October 3, 1979.
By the Commission: Commissioner Quello absent.

In the matter of amendment of §§ 90.365 and 90.377 of the Commission's rules to change the co-channel mileage separation and frequency loading standards for conventional land mobile radio systems in the bands 806–821 and 851–866 MHz.

Introduction

1. We initiated this proceeding by Notice of Proposed Rule Making adopted May 3, 1979 (FCC 79–282, released May 23, 1979) to review Sections 90.365 and 90.377 of the Commission's Rules which prescribe the co-channel mileage separation and frequency loading standards for conventional land mobile radio systems in the bands 806–821 and 851–866 MHz; and to propose certain revisions to those Rules.

2. For background, the Second Report and Order, *Land Mobile Radio Service*, Docket No. 18262 (46 FCC 2d 752, adopted May 1, 1974), the Commission allocated a total of 30 MHz of radio spectrum (the bands 806–821 and 851–855 MHz) for private land mobile communications systems. The 30 MHz thus set aside were divided into 600 two-frequency channels. One-third (200 channel pairs) was dedicated to so-called "trunked" systems. These are sophisticated multi-channel (5 to 20 frequency pairs) systems. One hundred channels were allocated for so-called "conventional" systems. These are the traditional, usually single-channel systems of the type used in the lower frequency bands for two-way mobile radio communications. The co-channel mileage separation and loading standards for these conventional systems are the subject of this proceeding. Finally, the remaining three hundred channels were placed in reserve for a later determination whether they should be allocated for trunked, conventional, or some other type of system.

3. In the Second Report and Order in Docket 18262, *supra*, the Commission pointed out that because it was then dealing with novel and untried standards in a previously unused frequency band, future revisions of the assignment standards might be necessary.[1]

4. We have now been licensing conventional 800 MHz radio systems for three years, and that passage of time has provided us with considerable experience with the frequency assignment standards adopted in Docket No. 18262. That experience led us to

[1] We said there:

"* * * (W)e wish to be clear that it is our intention to review and study continually all aspects of our assignment plan. In this regard, we fully recognize that the subject concept is new. It is in part untried and untested. Most likely changes and modifications will have to be made; and we will be alert to adjust our policies, standards, and criteria to what the public interest requires. This will be done on our own motion; and, in addition, we would expect, and we request, significant input from the land mobile industry and from land mobile users and those representing them. However, we are confident of the soundness of the structure of the measures we have adopted; of the desirability of the goals and objectives we have set for ourselves; and of the benefits to the public that will flow out of our approach to licensing at 800 MHz." 46 FCC 2d at 781–2.

The Commission again addressed the possibility of future changes in the new mileage separation and loading standards for conventional systems in its *Memorandum Opinion and Order* disposing of petitions for reconsideration of the Second Report and Order. It is noted that the provisions for frequency assignment and loading of both conventional and trunked systems had been established with full consideration to accepted standards of good engineering practice, and were, in the Commission's view at that time, necessary to afford the quality of service that systems in this frequency band must have, if sufficient interest were to be generated in them to justify the additional expense of operating in that spectrum. However, the Commission reiterated that:

"* * * (W)e will revisit all of the system parameters as we gain knowledge from actual operating experience; and adjustments will be made as it becomes possible to do so." Memorandum Opinion and Order, *Land Mobile Services*, Docket 18262, 51 FCC 2d at 978–9.

conclude tentatively that certain aspects of the co-channel mileage separation and frequency loading standards have resulted in inefficient frequency usage. We are particularly concerned about the additional and unnecessary protective zone which surrounds and cushions urban and suburban stations even when a channel is assigned for the exclusive use of a single or shared station at a single site, as well as the provision by which, in many cases, only as few as 35 mobile units in the Business Radio Service occupy a conventional channel. The proposals to tighten these mileage separation and channel loading standards were expected to have two important and beneficial results. It would provide additional usage of the frequencies in the three largest urbanized areas of the country (New York, Chicago, and Los Angeles) where all of the available frequencies have now been assigned. Moreover, it would provide the adjustment to our standards which, our three years' experience has shown, is appropriate irrespective of the congestion in the three largest urban areas.

Proposals

5. We proposed the following revisions to the present frequency assignment standards for conventional radio systems:

(a) Reduce the mileage separation between base stations on the same channel in those situations where the channel is assigned for the exclusive use of a single user or shared conventional station at a single site:

(1) From 100 to 70 miles for "urban conventional" stations, i.e., conventional stations operating in the top 50 urban areas;

(2) From 110 miles to 60 miles for "suburban conventional" stations, i.e., all stations operating outside the top 50 urban areas; and

(3) From 120 or 130 miles to 105 miles for stations operating on four transmitter sites on very high ground near Los Angeles, California.

(b) Increase total channel loading for shared systems or for individual systems sharing the same channel in the same area to the level now prescribed for non-shared single licensee systems. That is now, generally, 50 mobiles for Public Safety, 90 for Business, and 70 mobiles for most other services. (See Table in § 90.377(b)).

(c) Increase from 70% to 90% the level to which a licensee or a group of licensees must load a channel before it is assigned exclusively to that user or users;

(d) Require that the 90% loading level be achieved in four months, rather than in eight months as is now allowed before the channel would be retained by the licensee for its exclusive use;

(e) Eliminate the maximum ceiling on loading a channel so that a licensee or group of licensees would be able to add an unlimited number of mobiles on a channel.

6. In addition, we have proposed to apply the foregoing revised standards retroactively as well as prospectively so that additional users can be accommodated on the existing channels. Finally, the Commission noted that the largest demand for conventional 800 MHz conventional radio systems, and thus the greatest scarcity of channels, are found in the major urban areas, particularly New York, Chicago and Los Angeles. For that reason we specifically invited comments, as indicated above, as to whether these proposals should be implemented on a nationwide basis or otherwise. Comments were solicited on an expedited schedule, and a list of those parties filing comments and replies is found in Appendix A.

Co-Channel Mileage Separations

7. There was considerable support in the comments for our proposal to eliminate what we deem to be the unnecessary protective zone cushioning urban areas and suburban loading zones where the channel is assigned for the exclusive use of a single or shared conventional station at a single site. The National Association of Business and Educational Radio, Inc. (NABER) and Sears, Roebuck and Company (Sears) found the modification of co-channel mileage separation requirements to be justified so as to avoid unnecessary restrictions upon frequency availability. The Association of Maximum Service Telecasters, Inc. (MST) also concurred in the proposal. Electronic Industries Association (EIA) saw the proposed changes as generally appropriate, but stressed that the concept of superior quality service at 800 MHz should be preserved. EIA asserted, however, that the proposals should not be implemented at this time in west coast urbanized areas (San Diego, Los Angeles, San Francisco, Portland and Seattle) where terrain factors are unusual or—in the case of San Diego and Seattle—unkown. Motorola, Inc., stated that the proposed reduction would have little or no effect in increasing interference, but contended that it would provide only slight relief in channel re-use. California Mobile Radio Association (CMRA) supported the proposal to reduce co-channel mileage separations from the four special Los Angeles area transmitter sites, but asserted that reduced separations elsewhere in California would be harmful because of that State's topography. Some users submitted that separations should be maintained at present levels except where shown that a reduction would not be harmful. Other small users, principally in California, claimed that they had invested substantially in 800 MHz systems in reliance upon the original standards and that a change at this time would be harmful and perhaps illegal. We have carefully considered all of the comments concerning this proposal and are persuaded that the proposed rule modifications with respect to co-channel mileage separation should be adopted in their entirely because they would provide an important increase in frequency availability with no significant adverse effect upon the quality of service obtainable under the prior standards. The new mileage separation standards would increase the possibility for geographic re-use of the frequencies involved by more than 35%. But the benefits would vary in the different parts of the country. For example, the frequencies now assigned for single-site use in New York (over 60% of the total 800–MHz Conventional frequencies) will become available for re-assignment in Philadelphia (approximately 90 miles away), and in other densely populated areas within 100 miles of New York City. In the Chicago area, the frequencies now assigned in Chicago will become available in the populous areas of Wisconsin and in other locations within 100 miles of Chicago where needs for these frequencies have been demonstrated. Similarly, frequencies now assigned to Philadelphia and Milwaukee will become available respectively in New York and Chicago, where demand is much greater. On the West Coast, the benefits will not be as substantial because of terrain and population distribution factors; but, even there, significant re-use of the frequencies will result.

8. We want to emphasize that we are not changing the basic co-channel separation standards the Commission adopted in Docket No. 18262. We are merely deleting the extra separation provided for by the "loading zones," in those situations where this extra mileage is not appropriate. In a sense, then, we are correcting the rule, rather than revising it in substance, so as to make the standard applicable only in those situations for which it was intended.

9. To explain, the fifteen and twenty-five mile protective zones surrounding urban and suburban stations

respectively were designed to ensure that the requisite separation (70 miles between urban stations and 60 miles between all others) would be maintained no matter how many co-channel stations were located in the vicinity of an urban area or a suburban loading zone. Clearly, the protective cushion is not necessary where a channel is used solely at a single site; only in that case will the additional, superfluous protection be eliminated. A frequency used at multiple sites by more than a single user will continue to receive the additional protection as before. Accordingly, the revisions to the present co-channel mileage separations proposed in the Notice are being adopted. EIA and others ask that we make special provisions for co-channel separations in certain west coast areas, because of unusual terrain factors and propagation characteristics. We are aware of this situation, and in fact we have made special provision for four very high sites in the Los Angeles area. But we are not convinced that at this time we should provide the special arrangements the parties have suggested. We do not, however, foreclose further consideration of these matters in the future.

Total Channel Loading

10. Our proposal to increase total channel loading for shared systems or for individual systems sharing the same channel in the same area to the level now prescribed for non-shared, single licensee systems was discussed extensively in the comments and many alternatives were suggested. For example, Motorola and EIA proposed a two-tier loading system, with one standard for the top 15 urban areas and another for all other locales. Under that proposal, in the 15 largest urban areas, 75 mobiles in the public safety radio services and 100 mobiles in all other radio services would fully load a channel. Elsewhere, the loading standard would be 50 mobiles for public safety licensees and 75 for all others. In addition, outside the top 15 urban areas, NABER also favored distinguishing between large and smaller population areas. Other parties opposed any increase in the loading standards. Sears and CMRA asserted that increased loading would impair the usefulness of a Business Radio channel. Some users (Phoenix Agro-Invest, Inc., American Automobile Association, California State Automobile Association) believe channel loading standards should be reduced rather than increased, while others (General Electric and A. Teichert & Sons, Inc.) urged that the present standards be maintained. The various licensees who filed comments opposed the proposed change and contended, as they had in the case of our proposal to modify co-channel mileage separation, that they had made a substantial investment in 800 MHz equipment in reliance upon the present standards and that increased loading would harm the utility of their systems.

11. We have considered the comments on this point carefully also. The comments that concern us particularly are those of 800 MHz licensees who complained that the proposed changes would harm the quality of service promised, in their view, by the present rules. But we do not believe their fear is justified. To be sure, many existing licensees will be required to share the frequency assigned to them to a somewhat larger degree than they do now, but we do not expect the quality of their present systems to be seriously lessened. This is primarily because the changes will apply only to situations where changes are needed and where our experience indicates that the present standards have resulted in serious frequency under-utilization. For example, under present standards, a Business Radio Service frequency may be considered to be "fully loaded" with no more than 35 mobiles and often a licensee has been able to retain exclusive use of a channel with only 49 mobile units. These levels of usage are much lower than those contemplated by the Commission in Docket No. 18262 and, in our view, are too low considering the demand for frequencies in the larger urban areas. There would be no changes where a single licensee occupies a channel to the prescribed level for unshared frequencies and, as it is more fully discussed below, the changes would apply only in and near the larger urban areas. Finally, where the loading will be increased, the impact would not be significant and licensees, in our view, will continue to enjoy good quality of mobile radio communication service.

12. Certainly, licensees will not have to share a frequency as intensively as many do now in the lower bands. For example, in the 450–470 MHz band, loading levels of over 150 mobiles or more per channel are not unusual, and in the 470–512 MHz, our rules require 90 units for channel loading. Further, our monitoring program has confirmed that the frequencies in the lower bands are more heavily loaded. Here, under the new standards, a shared system will be assigned a frequency on an exclusive basis with only 63 mobiles and no more than 90 mobiles would be required. Therefore, 800-MHz users will continue to enjoy a quality of service superior to that available in the lower bands. Moreover, the changes we are adopting will enable us to accommodate a significant number of new users. For these reasons, we believe that the changes to the loading standards we proposed would be appropriate and will be adopted.

13. Finally on this subject, we agree with Motorola, EIA, and NABER, that a bifurcated loading structure has merit, applying the higher loading standard where the need for frequencies is or is likely to become greater. But we do not agree with the specific loading figures suggested or with the areas they propose in which the higher loading standards should apply. We do not believe that increasing the loading for all cases from 50 to 75 mobiles in public safety and from 70 to 100 in most other services (from 90 to 100 in Business) is justified or appropriate at this time. We think that higher loading standards should apply to the 25 largest urban areas because we expected that heavy demand for 800 MHz will eventually extend to those urban areas. Therefore, we are adopting the revised loading standards which we proposed, but limiting them to the top 25 urbanized areas. Elsewhere the present standards will continue to apply. The urbanized areas involved are now listed in the Table contained in Section 90.477(c) of our Rules. They are also listed in the Appendix. We selected the largest 25 urban areas because previous studies and our experience indicate that frequency shortages exist or are expected to develop in those areas in the foreseeable future.

Minimum Channel Loading for Exclusivity

14. Our present rules provide in effect that if a channel pair is loaded to 70% of prescribed capacity by a licensee or a group of licensees, that pair is assigned for the exclusive use of that user or users. Also, the 70% level must be achieved within eight months following issuance of the authorization on that frequency. Our twin proposals to increase to 90% the loading level necessary for channel exclusivity and to require that the 90% limit be reached within four rather than eight months following licensing have met with nearly unanimous opposition. It was argued that the proposed changes are inappropriate and unrealistic. The parties who commented on these proposals state the four-month requirement would be difficult to comply with because equipment manufacturers do not supply equipment within that time period in many cases, especially

where, as is true in the 800 MHz band, the precise frequency pair to be used is often not known until the time of licensing. It was also pointed out that requiring the achievement of a 90% loading level for exclusivity, whether in four or eight months, is not appropriate because it does not provide adequate flexibility for system growth. We are persuaded by the comments that these proposals should not be adopted and that the present requirements for channel exclusivity (70% of capacity within eight months after authorization) should be retained unchanged.

Loading Ceilings

15. Our proposal to eliminate the maximum ceiling on loading a channel, so that we would be able to add an unlimited number of users and/or mobile units on a channel, also drew nearly unanimous opposition. The parties generally argued that while single licensees should be allowed to load channels as heavily as they wish, shared systems should have unanimous consent of all those licensed to share a frequency before the prescribed loading is exceeded. To do otherwise, it was argued, would create channel congestion situations not unlike those in the 450–470 MHz band where mileage separation and loading standards have not been prescribed. We have also been persuaded by the comments that the loading ceilings should not be exceeded absent the concurrence of all of the users of a frequency. There would not be, of course, any public interest factor weighing against the voluntarily increased loading of a frequency and this will be permitted but not required. This means that shared systems will not be loaded beyond the limit prescribed, except where all of the sharing licensees so consent. It may be that entrepreneurs of mobile relay systems would be able to offer incentives to sharing users as a means of securing their consent. In those instances, it will be the marketplace which would thus stimulate a negotiated higher ceiling.

Retroactivity

16. The Notice proposed to make whatever Rule revisions which ultimately would be adopted retroactive as well as prospective in effect.[2] The comments disagreed in some instances with the legality of such an approach; one party (Teichert) claimed that the Commission was equitably estopped from revising its Rules now because existing licensees have relied to their detriment upon Commission representations that the present Rules would not be changed. There was some argument that existing licensees should be permitted to operate under the old standards for the balance of their license terms, while Motorola contended that presently occupied channels should not be reassigned until the loading periods permitted under the present Rules have expired. All of these positions have received close study. However, we remain unchanged in our belief that the legal basis for immediate application of the modified Rules is, as stated in the Notice, indeed sound. *California Citizens Band Association* v. *U.S.*, 375 F. 2d 43, 51–52 (9th Cir. 1967), *cert. denied*, 389 U.S. 844 (1967); *General Telephone Co. of Southwest* v. *U.S.*, 449 F. 2d 846, 863–64 (5th Cir. 1971). See also *U.S.* v. *Storer Broadcasting Co.*, 315 U.S. 192 (1956); *American Airlines* v. *C.A.B.*, 359 F. 2d 624 (D.C. Cir. 1966), *cert. denied*, 385 U.S. 843 (1966); *Air Line Pilots Ass'n* v. *Quesada*, 276 F. 2d 892 (2d Cir. 1960); *WBEN, Inc.* v. *U.S.*, 396 F. 2d 601 (2d Cir. 1968), *cert. denied*, 393 U.S. 914 (1968). As for Teichert's claim of estoppel, we find that it has no merit. The Second Report and Order in Docket No. 18262 as well as the Memorandum Opinion and Order on reconsideration in that proceeding did, it is true, promulgate Rules for 800 MHz band conventional radio systems based upon what we then believed to have been sound engineering practice and our understanding at that time of what approach to serve the public interest in maximum efficiency of that spectrum usage. Nevertheless, the language cited in para. 3, f.n. 1, *supra*, makes clear beyond doubt that the Rules adopted in Docket 18262 were not etched in stone; that they would be revisited; and that, to the extent necessary, they would be revised as our experience in the regulatory crucible taught us that modifications would be appropriate or necessary.[3] Teichert and the other users who oppose these revisions on similar grounds may not properly rely upon one corner of the Docket No. 18262 action while ignoring the qualifying, cautionary language elsewhere in the Commission's decisions on standards for 800 MHz conventional radio systems. Moreover, we are certain that the fully retroactive application of the modifications adopted here is as necessary as it is legally valid. If we failed to give these revised Rules immediate effect, with respect to existing licensees, the beneficial effects of this entire rule making process would be lost in those urbanized areas where conventional channels have been or may in the future be exhausted. In short, we are convinced that the frequency assignment and loading standards can be revised with respect to existing licensees by rulemaking without compromising hearing rights under Section 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a).[4] These revisions, moreover, should be made fully retroactive with respect to present licensees and existing radio systems. There can be no question that a license is issued subject to the Commission's rules as well as any future revisions thereto. Moreover, the authorizations held by 800 MHz licensees do not specify any quality of service, so that retroactive application of these frequency assignment and loading standards do not impinge upon a specific license provision. Finally, and as we have pointed out above, the quality of service under the new loading standards will remain high despite the moderate increase in loading in the largest 25 urban areas, and it will, as before, remain higher than in the lower, heavily congested land mobile frequency bands. Therefore, we do not anticipate that any party will encounter any additional significant problems as a result of our action today. Nor do we expect to disappoint those who viewed our actions in Docket 18262 as a step toward increased efficiency in spectrum usage.

17. There is, however, a ramification of the various parties' positions on the question of retroactivity which also must be addressed here. That is the

[2] Although the courts have discussed the issue in terms of retroactivity (e.g., *General Telephone Co. of Southwest* v. *U.S.*, 449 F. 2d 846, 863–64 (5th Cir. 1971)), the issue might be better stated as whether the FCC may promulgate rules to modify conditions under which outstanding licensees operate. The rules will take effect in the future and have no applicability to the past other than to alter the nature of those conditions.

[3] Section 304 of the Communications Act of 1934 (47 U.S.C. § 304) also indicates that the rights of licensees are continually subject to the regulatory power of the Commission. This section states:

No station license shall be granted by the Commission until the applicant therefore shall have signed a waiver of any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

[4] Section 316(a) is designed to protect individual licensees by allowing a right to a hearing before the Commission can modify a particular license. Section 316's hearing rights, however, are not applicable when the Commission enacts rules directed against an industry in general or a broad class of licensees. *E.g., Washington Utilities and Transportation Commission* v. *FCC*, 513 F. 2d 1142, 1160–1165 (9th Cir. 1975), cert. denied, 423 U.S. 836 (1975); *WBEN, Inc.* v. *U.S.*, 396 F. 2d 601, 617–20 (2d Cir. 1968), *cert. denied*, 393 U.S. 914 (1968); *Satellite Business Systems, et al.*, 62 FCC 2d 997, 1063–66 (1977); *Multiple Ownership*, 53 FCC 2d 589, 594–95 (1975). This is especially so when, as here, we do not expect that any party will encounter substantial harm through the rule change. And if any party should encounter substantial harm, we will of course entertain petitions for waiver under Section 1.3 of the Commission's rules (47 C.F.R. § 1.3). See *E.g., WBEN, Inc.* v. *U.S.*, *supra*, at 618.

argument advanced by several parties that the Commission, in now changing the mileage separation and loading standards adopted in Docket No. 18262, is reneging on what is erroneously perceived by those commenting to have been an assurance given in that proceeding that the standards would remain unchanged. We have closely reviewed the Commission's decision in Docket No. 18262 and can find neither the letter nor the spirit of such an assurance. Although we believed that the allocation of spectrum in Docket No. 18262 and the subsequent promulgation in that same proceeding of Rules governing its use were entirely appropriate at that time, we did anticipate, as indicated above, that the lessons of experience might require a revisitation and an adjustment to the regulatory structure of conventional radio systems at 800 MHz. Four years later, with a differing situation and changed needs before us, the time for that review is at hand. Our action here is not, therefore, a breach of faith, but rather is an action that was anticipated in the mid-1970's, as was unmistakably expressed in our prior decisions. Any representations otherwise were not made by the Commission.

Release of Additional Channels

18. Numerous parties submitting comments asserted strongly that the Commission should release from that 800 MHz spectrum being held in reserve additional frequency pairs for conventional radio systems in lieu of or in addition to whatever co-channel mileage separation and frequency loading Rule revisions might be adopted. the Notice explained that the Commission had reviewed very carefully the option of releasing additional channel pairs from the reserve pool, but had concluded that it would be unwise to do so now because the frequencies in reserve could better be used for the more efficient trunked systems. Hence, the release of additional frequencies was not a proposal presented in the Notice. The revisions to the Rules proposed in this proceeding were solely those set forth in paragraph 4 of the Notice, and it is those proposals, limited to standards for co-channel usage and frequency loading, which alone constitute the subject of this rule making process. We do have before us Motorola's Petition For Partial Reconsideration of the Notice to the extent that our action therein did not release frequencies for conventional use. Also before us is NABER's Petition for an Order releasing additional frequencies for conventional use (RM-3403). These two petitions will be considered separately, together with those portions of the comments submitted in this proceeding that concern the issue of releasing additional frequencies from those held in reserve.

Other Matters

19. The procedure followed by the Commission for selection and assignment of frequencies is given in paragraph 90.365(a)(3) and still applies. The channels are numbered 1 through 150. When an application is to be granted we will license on the lowest numbered channel which can accommodate the applicant, considering those factors in paragraph 90.369 "Other Criteria to be applied in assigning channels for use in conventional systems of communications." Notwithstanding the above, if an applicant requests a specific occupied frequency, which can accommodate his application, the Commission will consider that frequency prior to resorting to the above procedure.

Conclusion

20. Accordingly, IT IS ORDERED, effective November 12, 1979, that Part 90 of the Rules IS AMENDED as shown in Appendix B, attached hereto. The authority for this action is found in Sections 4(i) and 303 of the Communications Act of 1934, as amended. *It is further ordered,* that this proceeding is terminated.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Parties Filing Comments and Reply Comments

Comments

American Automobile Association, Inc.
Ash Construction, Inc.
Association of Maximum Service Telecasters, Inc.
Atlas Equipment Rental.
Brite Transport Systems, Inc.
Brownie's Body & Towing, Inc.
California Mobile Radio Association.
California State Automobile Association.
Chino Pipeline.
Communication Enterprises, Inc.
Electronic Industries Association.
Farwest Towing.
Frontier Radio, Inc.
The General Electric Company.
Jim Guthrie Construction.
D. A. Hart, Inc.
K & M Roofing.
L & N Security Radio Patrol.
Long & Kinsey, Inc.
McGee Communications-Electronics, Inc.
Monty Montgomery Trucking.
Motorola, Inc.
The National Association of Business and Educational Radio, Inc.
Olander & Williams Roofing Co.
Phillip D. Overholtzer, Inc.
Phoenix Agro-Invest, Inc.
Lynn Purdy.
Raustin, Inc.
Sears, Roebuck and Company.
Service Electric Company.
Special Industrial Radio Service Association, Inc.
S.T.A.R. Communications, Inc.
Stone Bros. & Associates.
A. Teichert and Son, Inc.
U.S. Courier Corporation, Inc.
Utilities Telecommunications Council.
Valley Medical Equipment, Inc.
A. G. Williams & Sons Excavating Co.

Reply Comments

Association of Maximum Service Telecasters, Inc.
Motorola, Inc.

Appendix B

Part 90 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. In part 90, § 90.365(b) (2) through (5) are revised to read as follows:

§ 90.365 *Selection and assignment of frequencies.*

* * * * *

(2) For urban-conventional systems, where the channel is assigned for exclusive use at a single site, co-channel base stations will be authorized only when the separation between that site and (a) the proposed other exclusive site is at least 112 km (70 mi.) or (b) the other urban area is at least 136 km (85 mi.). In all other cases the separation between centers of the urban areas involved must be at least 160 km. (100 mi.).

(3) For suburban-conventional systems, where the channel is assigned for exclusive use at a single site, co-channel base stations will be authorized only when the separation between that site and (a) the proposed other exclusive site is at least 96 km. (60 mi.) or (b) the proposed other suburban loading area is at least 136 km. (85 mi.). In all other cases the separation between centers of suburban loading areas will be at least 176 km. (110 mi.).

(4) For a suburban-conventional system to operate co-channel with an urban-conventional system, where both the suburban and the urban conventional systems use the channel at single sites, the distance between those sites must be at least 112 km. (70 mi.). In all cases where the channel is used by either the suburban or urban-conventional system at multiple sites, the distance between the center of the urban area and the center of the suburban loading area must be at least 176 km. (110 mi.).

(5) The minimum distance from any of the following four sites: Santiago Peak, Sierra Peak, Mount Lukens, and Mount Wilson (California) to the center of the nearest co-channel urban area and to the center of the nearest co-channel suburban loading area (for a suburban-conventional station) must, in all cases where both of the co-channel stations use the channel at single sites, be 168 km. (105 mi.). In all cases where the channel is used by either of the co-channel stations at

multiple sites, the minimum distance from any of these four sites to the center of the nearest co-channel urban must be 192 km. (120 mi.) and to the center of the nearest co-channel suburban loading area (for a suburban-conventional station), must be 208 km. (130 mi.).

2. In Part 90, § 90.377(b) is revised as follows:

§ 90.377 *Conventional systems loading requirements.*

* * * * *

(b) Where stations are located within 120 km. (75 mi.) of the designated centers of the top 25 urbanized areas as set forth in Section 90.477(c) of this Part, Table 1 below will govern. In all cases, Table 2 below will govern.

Table 1—*Loading Requirements for Conventional Systems*

(Located within 120 km. (75 mi.) of the top 25 urbanized areas as set forth in section 90.477(c))

Service group	Channel loading units per channel vehicular/portable
Police and fire group	50/100
Business radio group	90/180
Taxicab radio group [1]	150
Motor carrier radio group (urban and interurban passenger motor carriers, only)	150/200
Other services group [2]	70/140
Mixed service group	

[1] No loading criteria for portable units in the taxicab radio group are given, since the requirements for units of this type has not been established in that service.

[2] Where the primary activity of the licensee is the operation of urban or interurban passenger motor carriers, the loading requirements shall be as shown for the motor carrier group.

Table 2.—*Loading Requirements for Conventional Systems*

(Located outside 120 km. (75 mi.) of the top 25 urbanized areas as set forth in section 90.477(c))

Service group	Channel loading units per channel vehicular/portable		
	Single/ licensee	2 to 5 licensees	Over 5 licensees
Police and fire group	50/100	40/80	30/60
Business radio group	90/180	70/140	50/100
Taxicab radio group [1]	150	125	100
Motor carrier radio group (urban and interurban passenger motor carriers, only)	150/300	125/250	100/200
Other services group [2]	70/140	50/100	40/60
Mixed service group		70/140	50/100

[1] No loading criteria for portable units in the taxicab radio group are given since the requirements for units of this type has not been established in that service.

[2] Where the primary activity of the licensee is the operation of urban or interurban passenger motor carriers, the loading requirements shall be as shown for the motor carrier group.

[FR Doc. 79-31162 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[FCC 79-591]

Amateur Radio Service; Modifying Procedures for Notifying the Commission of Name and Mailing Address Changes; and To Give a 5-Year License Term to All Licenses Issued

AGENCY: Federal Communications Commission.

ACTION: order.

SUMMARY: The Commission amended §§ 97.13 and 97.47 to delete provisions which allowed Amateur licensees to notify the Commission of name and mailing address changes by letter. All future Amateur license modifications must be requested by filing the appropriate application form. The Commission also amended § 97.59 to provide that all Amateur licenses will be given a five-year term.

DATES: The effective date of the Order is November 12, 1979.

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

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, (202) 254-6884.

SUPPLEMENTARY INFORMATION:

Order

Adopted: September 27, 1979.
Released: October 5, 1979.

By the Commission: Commissioner Lee absent.

In matter of amendment of §§ 97.13, 97.47 and 97.59 of the Commission's rules.

1. Sections 97.13 and 97.47 of the Commission's rules set forth the procedures to be followed by amateur licensees who wish to renew or modify their amateur radio license. In each instance, the request must be made by submitting an FCC Form 610 (or 610-B in the case of a club or military recreation station) to the Commission's office in Gettysburg, Pennsylvania. However, these rule sections also provide that a change in the licensee's name or mailing address may be accomplished by notifying the Commission by letter.

2. The provision concerning notification by letter has apparently led to confusion on the part of many amateur licensees and has unnecessarily increased the workload of the Commission's application processing staff. Most letter requests for address change fail to specify that it is only the licensee's mailing address which has changes. Therefore, the staff is required to ascertain whether or not the station location has also changed. In the majority of cases, the station location has indeed changed. In such a situation, § 97.47 requires a formal modification of the license. Therefore, it is necessary that the licensee file an application.

3. In order to eliminate the confusion among amateur licensees as to when an application need be filed, and to lessen the burden on the processing staff, the Commission is amending §§ 97.13 and 97.47 to delete the provisions concerning letter notice. Henceforth, all amateur license modifications must be requested by submission of the appropriate application form.

4. The Commission is also amending § 97.59 to provide that modified licenses will be issued for a five-year term commencing on the date of the modification. Currently, that section provides that modified licenses shall bear the same expiration date as the license being modified.

5. Since the amendments herein ordered are procedural in nature, they are excepted by Section 553(b) of the Administrative Procedure Act from the requirement of prior public notice and comment.

6. Accordingly, it is ordered, effective November 12, 1979, that Part 97 of the Commission's rules is amended as shown in the Appendix attached hereto. Authority for this action is found in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. For further information on these rule changes, contact Maurice J. DePont, 254-6884.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 97.13 [Amended]

1. In § 97.13, paragraph (e) is deleted.

§ 97.47 [Amended]

2. In § 97.47, paragraph (c) is deleted.

3. Section 97.59 is amended to read as follows:

§ 97.59 License term.

(a) Amateur operator licenses are normally valid for a period of five years from the date of issuance of a new, modified or renewed license.

(b) Amateur station licenses are normally valid for a period of five years from the date of issuance of a new, modified or renewed license. All amateur station licenses, regardless of when issued, will expire on the same date as the licensee's amateur operator license.

(c) A duplicate license shall bear the same expiration date as the license for which it is a duplicate.

[FR Doc. 79-31425 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 44, No. 198
Thursday, October 11, 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.

FEDERAL RESERVE SYSTEM

12 CFR Chapter II

Consumer Advisory Council; Meeting Notice

AGENCY: Federal Reserve System.

ACTION: Notice of meeting of Consumer Advisory Council.

SUMMARY: The Consumer Advisory Council announces a meeting at which several matters concerning Federal Reserve system regulations will be discussed. Among the regulations affected are Regulation E, concerning electronic fund transfers and Regulation Z concerning general and closed-end credit provisions.

DATES: Monday, October 22, 1979; 1 p.m.—5:00 p.m.; Tuesday, October 23, 1979; 9:00 a.m.—3:30 p.m.

ADDRESS: Terrace Room E of the Martin Building, C Street NW., between 20th and 21st Sts., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

SUPPLEMENTARY INFORMATION:

Notice is hereby given that the Consumer Advisory Council will meet on Monday, October 22, and Tuesday, October 23. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The October 22 session will begin at 1 p.m. and will continue until 5 p.m. The October 23 session will begin at 9 a.m. and will conclude at 3:30 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities with regard to consumer credit legislation and regulation. It is anticipated that, time permitting, the October 22–23 meeting of the Council will include consideration of the following topics:

1. EFT Regulation

Additional proposed sections to Regulation E, implementing Sections 909 and 911 of the Electronic Fund Transfer Act. These sections, which take effect in May 1980, concern documentation of transfers, preauthorized transfers and error resolution.

2. Council Participation in Board's Economic Impact Analyses

The report of the Council's subcommittee on the feasibility of the Council's participation in the Board's economic impact analyses of Regulation E and other regulations.

3. Proposed Revision of the General and Closed-End Credit Provisions of Regulation Z

A staff draft of proposed changes to the general and closed-end credit provisions of Regulation Z (and accompanying Board and staff interpretations). The draft is designed to increase the regulation's effectiveness while facilitating creditor compliance.

4. Proposed Revision of the Open-End Credit Provisions of Regulation Z

A staff draft of proposed changes to the open-end credit provisions of Regulation Z (and accompanying Board and staff interpretations) that is designed to accomplish the same purposes stated in number 3.

5. Response of the Board to Three Proposed Federal Trade Commission Trade Rules

Courses of action open to the Board upon FTC promulgation in final form of the following rules: the Creditor Amendment to the Holder in Due Course, the Credit Practices, and the Sale of Used Motor Vehicles rules.

Other matters previously considered by the Council or initiated by Council members.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ms. Kay Oliver, Secretary, Consumer Advisory Council, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452–3204.

Board of Governors, October 3, 1979.
Theodore E. Allison,
Secretary of the Board.

[FR Doc. 79-31175 Filed 10-10-79; 8:45 am]
BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 79-498]

12 CFR Part 545

Federal Savings and Loan System Operations; Washington, D.C., Maryland, Virginia SMSA Branching

October 4, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Extension of comment period on proposed rule.

SUMMARY: The Federal Home Loan Bank Board extends the comment period on the Board's proposal to allow branching of Federal savings and loan associations throughout the Washington SMSA.

DATE: The comment period is extended until further notice.

FOR FURTHER INFORMATION CONTACT: Lois G. Jacobs, Attorney, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (202–377–6466).

SUPPLEMENTARY INFORMATION: On June 14, 1979, the Federal Home Loan Bank Board, by Resolution No. 79–340 (44 FR 36057; dated June 20, 1979), proposed to amend its regulations to permit Federal associations with offices within the Washington, D.C.-Md.-Va. Standard Metropolitan Statistical Area ("SMSA") to branch throughout the SMSA.

When the Board proposed this regulation, it was aware that Congress had requested the Treasury Department to conduct a study of the McFadden Act, which imposes restrictions on the branching of banks. While the McFadden Act does not impose restrictions on the branching of savings and loan institutions, the McFadden Study is expected to address competitive issues that parallel savings and loan branching issues. To give the Board and the public an adequate opportunity to assess the McFadden Study, which was due to Congress in mid-September, the Board announced that it would accept comments regarding the proposed Washington SMSA regulation until October 15, 1979. However, the Study has not yet been

submitted to Congress. Therefore, the Board is extending the comment period until further notice. When the Study is submitted to Congress, the Board will select an appropriate new cut-off date for accepting comments on the proposal. The new date will be at least thirty days after the Study is submitted to Congress.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. § 1437, Reorg. Plan No. 3 of 1947, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 79-31494 Filed 10-10-79; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 111

Pollution Control; Proposed Amendments Clarifying Eligibility of Waste Disposal Concerns, Providing for Joint Applicants in Some Instances and Changing the Processing and Administrative Fee for Applications.

AGENCY: Small Business Administration.

ACTION: Proposed rules.

SUMMARY: During the early stages of this program, SBA interpreted the legislative history of its authority to preclude assistance for the acquisition of a pollution control facility designed to control pollution by other than the applicant itself. For this reason applications from waste disposal concerns were considered ineligible. The Comptroller General has concurred in SBA's request to consider waste disposal concerns as eligible, because such a determination accords with the underlying intent of Congress that small concerns be assisted in allaying environmental pollution. This affirmative determination is reflected in the proposed amended §§ 111.2 and 111.3.

Other proposed amendments change the processing and administrative fee, permit joint applications in some instances, clarify the manner of amortization of the debt to be guaranteed and conform other sections to these changes.

DATE: Comments must be received on or before November 12, 1979.

ADDRESS: Comments should be sent in duplicate to Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Vincent A. Fragnito, Chief, Pollution Control Guarantees, Office of Special Guarantees, Magazine Building, Rosslyn, Virginia 22209, (703–235–2902).

SUPPLEMENTARY INFORMATION: Some concerns needing the assistance do not have the requisite five year operating record with three years of profitable operations [§ 111.4(d)], but are affiliates of concerns having the required history. SBA has determined that in such cases the affiliated concern may become a joint applicant even though it has no pollution problem, if it owns at least an 80 percent interest in the concern needing assistance and the combined size of all affiliated concerns is within the applicable size standard. Section 111.4(c) is to be amended to reflect this determination.

Due to inequities resulting from the application of the schedule of processing and administrative fees in § 111.7 without regard to the duration of the guarantee, SBA has recalculated the costs of operating the program and proposes to change the fee so that it will be proportionate to such duration.

It is also proposed to amend section 111.8 to emphasize that the payments to be guaranteed by SBA may not be due less frequently than quarterly in substantially equal amounts over the term of the qualified contract.

The amendments to §§ 111.5(c)(2), (4) and (5) are conforming amendments to the amendment to § 111.4(c) which would permit joint applications. The amendment to § 111.4(e) makes clear that SBA will require evidence from a local, State or Federal Environmental regulatory authority that the facility is likely to help prevent, reduce, abate, or control pollution or contamination.

Notice is hereby given that pursuant to the authority contained in Section 5(b)(6) of the Small Business Act, 15 U.S.C. § 634, it is proposed to amend, as set forth below, Part 111, Chapter 1, Title 13 of the Code of Federal Regulations.

1. Section 111.2 is proposed to be revised to read as follows:

§ 111.2 Policy.

It is the intent of Congress to assist existing small concerns, including solid or liquid waste disposal concerns, which are or are likely to be at an operational or financing disadvantage with other business concerns with respect to the planning, design, or installation of pollution control Facilities, or the obtaining of financing therefor, by authorizing SBA to guarantee fully (100 percent), directly or in cooperation with others, the periodic payments due in connection with the purchase or lease of such Facilities under a Qualified contract. The guarantee shall be a full faith and credit obligation of the United States, and may be issued notwithstanding that the pollution control Facility is acquired by the use of proceeds from tax-exempt industrial revenue bonds. In those instances where revenue bond financing is uneconomic or is not practicable (e.g., for small amounts), or when the project may not qualify for tax-exemption, the Small concern may seek financing assistance under SBA's pollution control (Small Business Investment Act, sec. 404, 15 U.S.C. 694–1), Air Pollution (Small Business Act, sec. 7(b)(5), 15 U.S.C. 636, or Water Pollution (Small Business Act, sec. 7(g)(1), 15 U.S.C. 636(g)(1)) Loan Programs.

2. Section 111.3 is proposed to be amended as follows:

111.3 Definitions.

* * * * *

"Facility" means such property (both real and personal) as the Administration in its discretion determines is likely to help prevent, reduce, abate, or control noise, air or water pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat, and such property (both real and personal) as the Administration determines will be used for the collection, storage, treatment, utilization, processing, or final disposal of solid or liquid waste, including any related resource recovery property when stated to be necessary for pollution abatement by a local, State or Federal environmental regulatory authority.

* * * * *

3. Section 111.4(c) and (e) are proposed to be revised to read as follows:

§ 111.4 Eligibility.

* * * * *

(c) be at an operational or financing disadvantage with other business concerns with respect to the planning, design, or installation of pollution control Facilities, or the obtaining of financing therefor, or likely to suffer such disadvantage: *Provided, however,* That a Small concern without a pollution problem may become a joint applicant with a Small concern with such a problem when the former owns at least an 80 percent interest in the latter, subject to subsection (b) of this section.

(d) * * *

(e) Provide evidence from a local, State or Federal environmental regulatory authority that the Facility is likely to help prevent, reduce, abate, or control pollution or contamination.

4. Sections 111.5(c)(2), (4) and (5) are proposed to be revised to read as follows:

§ 111.5 Procedure for guarantee applications.

* * * * *

(c) * * *

(2) There is reasonable expectation that the applicant(s) will perform all the terms, covenants and conditions of the qualified contract.

* * *

(4) SBA will not guarantee or participate in any guarantee when the sponsor, or any participant, or an associate (as defined in § 120.1(d) of this chapter) of either, has a direct or indirect interest in the applicant(s).

(5) SBA will not guarantee or participate in guaranteeing any obligation under a qualified contract for the purpose of financing, directly or indirectly, the purchase of real or personal property or of services from any participant or sponsor or any of their associates, unless SBA shall have first made a written determination that the purchase of the property or services is in the best interests of the applicant(s).

* * * * *

5. Section 111.7(c) is proposed to be amended to read as follows:

§ 111.7 Terms of guarantee and fee.

* * * * *

(c) The Processing and administrative fee relating to industrial revenue bond financing will be computed as follows:

$550+[$30 × number of years of Qualified contract).

Each application shall be accompanied by $250 of the Processing and administrative fee which is not refundable. The balance of the Processing and administrative fee is payable to SBA upon issuance of its guarantee. If the application is approved, SBA may issue a commitment to guarantee which shall expire not later than 24 months from the date of the commitment.

* * * * *

6. Section 111.8(c) is proposed to be revised to read as follows:

§ 111.8 Qualified contract.

* * * * *

(c) Identification of the parties; description and location of the facility, the principal basic indebtedness therefor to be guaranteed (exclusive of those costs or expenses listed in (d) below), the rate of interest thereon and the number, amount and time of payments, which shall be in substantially equal amounts not less frequently than quarterly.

* * * * *

(Catalog of Federal Domestic Assistance Programs No. 59. 029, Pollution Control Financing Guarantee Program)

Dated: September 25, 1979.

William H. Mauk, Jr.

Acting Administrator.

[FR Doc. 79-31421 Filed 10-10-79; 8:45 am]

BILLING CODE 6025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 79-WE-14]

Establishment of Temporary Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a temporary joint use restricted area in the Yuma, Ariz., area to contain the testing and development of military drones by the U.S. Army. This proposed action would provide for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations of nonparticipating aircraft within the temporary restricted area during the hours the area is activated.

DATES: Comments must be received on or before November 12, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 79-WE-14, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before November 12, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

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

The Proposal

The FAA is considering an amendment to Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) that would designate temporary joint use Restricted Area R-2311, Yuma, Ariz., to contain the development testing of military drones. The only activity to be conducted in the area are military drone flights which travel at a speed in excess of 400 miles per hour. The Commanding Officer, Yuma Proving Ground, Yuma, Ariz., will issue NOTAMs and will contact users of the area to explain the testing procedure, the schedule for use and when the testing will be completed. One drone flight will be in the area less than 30 minutes per day. The Commander, Yuma Proving Ground, will release the airspace for public use immediately on completion of the drone flights.

For compliance with the National Environmental Protection Act (NEPA), Chief, Facility Engineering Directorate will act as the lead agency. Comments on environmental aspects relating to the proposed temporary restricted airspace should be addressed to Mr. Willard C. Robinson, Chief, Facility Engineering Directorate, U.S. Army Proving Ground, Yuma, Ariz., telephone: (602) 328-2167 or AUTOVON 899-2167.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 672) as follows:

Under Section 73.23 the following temporary restricted area is added:

R–2311 Army Proving Grounds, Yuma, Ariz.

Boundaries. Beginning at Lat. 33°05'00"N., Long. 113°39'04"W.; to Lat. 33°05'00"N., Long. 113°21'00"W.; to Lat. 33°01'00"N., Long. 113°21'00"W.; to Lat. 32°53'50"N., Long. 113°36'20"W.; to Lat. 32°52'50"N., Long. 113°49'40"W.; to Lat. 32°58'00"N., Long. 113°37'20"W.; to Lat. 32°02'00"N., Long. 113°37'20"W.; to Lat. 33°02'00"N., Long. 113°37'20"W.; to point of begining.

Designated altitudes. 1500 feet MSL to 5500 feet MSL.

Time of designation. Continuous 0600 to 1200 local time daily, December 1, 1979, through September 30, 1980; and from April 1, 1981, through March 31, 1982. Other times by NOTAM 24 hours in advance.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. Commanding Officer, U.S. Army Proving Ground, Yuma, Ariz.

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

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

Issued in Washington, D.C., on October 4, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-31416 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 7845]

Arthur Murray, Inc.; Show Cause Order With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Show cause order.

SUMMARY: The Federal Trade Commission has issued an order to show cause why the order issued by the Commission in 1960 against Arthur Murray, Inc., et al., Docket No. 7845, should not be modified. Arthur Murray, Inc., in a spirit of cooperative endeavor to insure adequate protection of the consumer in its dance school operations, has consulted with the staff of the Federal Trade Commission and has agreed that modifications to the Commission's order of 1960 are appropriate. The Commission proposes to modify the 1960 Order by adding four new parts dealing primarily with cancellation and refund rights for purchasers of dance instruction and Arthur Murray, Inc.'s obligations to monitor its franchisees for compliance with the order.

DATE: Comments must be received on or before November 11, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave. N.W., Washington, D.C.20580.

FOR FURTHER INFORMATION CONTACT: Rachelle V. Browne, Attorney, Bureau of Consumer Protection/PC, Division of Compliance, Washington, D.C. 20580. Telephone (202) 254–5341.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.72(b) of the Commission's rules of practice (16 CFR 3.72(b)), notice is hereby given that the following "Show Cause Order" and an explanation thereof, having been filed with and issued by the Commission, has been placed on the public record for a period of thirty (30) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

By direction of the Commission.

[Docket No. 7845]

Show Cause Order

Whereas, the Federal Trade Commission on July 27, 1960, issued a consent order to cease and desist against Arthur Murray, Inc.,[1] and

Whereas, the order requires Arthur Murray, Inc., (hereinafter referred to as "respondent"), directly or through its licensees, to refrain from certain acts and practices which have the capacity and tendency to mislead, deceive, coerce or otherwise induce a substantial portion of the public into the purchase of a substantial number of dance instruction lessons, and

Whereas, it now appears to the Commission that there is reasonable doubt that this order will effectuate its said intent and purpose in that the order merely requires respondent to refrain from using said acts and practices, and as such will not insure the termination of said acts and practices, and

Whereas, it now appears to the Commission that there is reasonable doubt that this order affords adequate protection to pupils or prospective pupils from the abuses with which it is intended to deal, and

Whereas, the staff of the Federal Trade Commission has consulted with Arthur Murray, Inc., as to the continuing obligations which could be imposed upon the respondent corporation and, in spirit of cooperative endeavor to insure adequate protection of the consumer in its dance school operations, Arthur Murray, Inc., has agreed that modifications to the Commission's Order of 1960 are appropriate, and

Whereas, it is now the opinion of the Commission that the public interest requires it to reopen and alter its Order of 1960, in part, so as to add the following new sections.

Now therefore, it is hereby ordered, pursuant to section 5(b) of the Federal Trade Commission Act, and Section 3.72(b) of the Commission's Procedures and Rules of Practice, that on or before the 30th day after service of this notice upon it, respondent, Arthur Murray, Inc., show cause, if any there be, why the public interest does not require the Commission to reopen this proceeding and alter its Order of 1960 in part by inserting a roman numeral one, I, before the preamble, of its Order of 1960, and by vacating the it is further ordered paragraph therein and substituting the following:

For purposes of this part the following definitions shall be applicable:

"Total contract price" shall mean the total cash price paid or to be paid by the pupil or prospective pupil for the dance instruction or dance instruction services which are the subject of the contract or written agreement.

"Notice of cancellation" shall be deemed to have been provided by a pupil or prospective pupil by mailing or delivering written notification to cancel the contract or written agreement or by failing to attend instructional facilities for a period of five consecutive appointment days on which classes or the provision of services which are

[1] Three other respondents, Arthur Murray, Kathryn Murray, and David A. Teichman, individually and as officers of said corporation, are also named in the order. The individual respondents are no longer officers of Arthur Murray, Inc., and are not currently engaged in the business of selling dance instructions. The modifications to the order proposed in this show cause order, therefore, are only for provisions governing the corporate respondent.

the subject of the contract or written agreement were prearranged with the pupil or prospective pupil.

"Reasonable and fair service fee" shall mean no more than 10% of the total contract price for contracts of $1,000 and under. For contracts over $1,000, "reasonable and fair service fee" shall mean no more than $100 plus an amount equal to 5% of the total contract price over $1,000 (not to exceed $250 in total).

It is further ordered, that respondent Arthur Murray, Inc., a corporation, and its officers, and respondent's agents representatives and employees, directly or through any corporate or other device, or through any licensee, in connection with the solicitation, advertising or sale of dance instruction or dance instruction services which are the subject of a contract or written agreement, do forthwith cease and desist from:

1. Entering into any contract or written agreement for dance instruction or dance instruction services which are the subject of the contract or written agreement unless it clearly and conspicuously discloses in the exact language below that:

This agreement is subject to cancellation at any time during the term of the agreement upon notification by the student. If this agreement is cancelled within three business days, the studio will refund all payments made under the agreement. After three business days, the studio will only charge you for the dance instruction and dance instruction services actually furnished under the agreement plus a reasonable and fair service fee.

2. Failing to refund to a pupil or prospective pupil who cancels any contract or written agreement within three business days from the date on which the contract or written agreement was executed, all payments made by the pupil or prospective pupil. Such refunds shall be provided, and any evidence of indebtedness cancelled and returned, within 30 days after receiving notice of cancellation.

3. Receiving, demanding, or retaining more than a pro rata portion of the total contract price plus a reasonable and fair service fee where a pupil or prospective pupil cancels any contract or written agreement after three business days from the date on which the contract or written agreement was executed and within the term of the said contract or written agreement.

Seller must, within thirty (30) days of notice of cancellation, provide any refund payment due to the pupil or prospective pupil or must cancel that portion or the pupil's or prospective pupil's indebtness that exceeds the amount due. The pro rata portion shall be calculated in the following manner:

(a) For the time period preceding notice of cancellation, there must be calculated the number of hours or lessons of dance instruction or dance instruction services received or attended by the pupil pursuant to the contract or written agreement.

(b) This number must be divided by the total number of hours or lessons of dance instruction or dance instruction services which are the subject of the contract or written agreement.

(c) The resulting number shall be multiplied by the total contract price.

(d) For contracts combining a course of dance instruction with dance instruction services, separate prices for the dance instruction and the dance instruction service portions must be designated and the pro rata protion of the total contract price shall be the sum of the separate pro rata obligations for the dance instruction portion and the dance instruction service portion.

4. Misrepresenting in any manner to any pupil or prospective pupil any of the provisions of this Order.

III

It is further ordered that nothing contained in the Modified order to cease and desist shall be construed to relieve respondent from complying with any provision of any federal, state, or local law, rule, regulation, or order which affords greater protection to pupils or prospective pupils than the comperable provision of the Commission's order or to waive any legal rights the pupil or prospective pupil may have under the various jurisdictions.

IV

It is further ordered that:

1. Respondent corporation deliver a copy of this order to each of its present and future franchisees or subfranchisees, with directions that such persons promulgate and enforce same.

2. Respondent obtain from each person described in subparagraph 1 above a signed statement setting forth his/her intention to conform his/her business practices to the requirements of this Order; if Responded is unable to obtain such signed statements, Respondent shall notify the Federal Trade Commission of the name of the franchisee or subfranchisee which will not sign such a statement and report the reason therefore to the Federal Trade Commission.

3. Respondent institute a program of continuing surveillance adequate to reveal whether the business operation of each person described in subparagraph 1 above conform to the requirements of this Order; and

4. Respondent discontinue dealing with or terminate the use or engagement of any person described in subparagraph 1 above who continues, after notice, to engage in a continuous course of conduct involving acts or practices prohibited by this Order as revealed by the aforesaid program of surveillance. Respondent is permitted to effect such termination in accordance with applicable state laws in those states which have statutes governing franchise termination.

V

It is further ordered that:

1. Respondent corporation forthwith distribute a copy of this Order to each of its operating divisions.

2. Respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

3. Respondent corporation, within one hundred fifty (150) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

By direction of the Commission.

Analysis To Aid Public Comment or Proposed Modifications To Cease and Desist Order in Docket 7845

The Federal Trade Commission has served on Arthur Murray, Inc., the corporate respondent in Docket No. 7845, and three individual respondents, an order to show cause why the Commission's Order of July 27, 1960, should not be modified to include among other things, cancellation, "cooling-off", and pro rata provisions for purchasers of dance instruction.

The proposed modifications to the order have been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the proposed modifications and the comments received and will decide whether it should make final the proposed modified order.

The Order of 1960 requires Arthur Murray, Inc., and three former officers of the corporation, to refrain from certain acts and practices in connection with the sale of dance instruction lessons. The practices prohibited by the Order include, but are not limited to, the use of "relay salesmanship" or consecutive sales talks by one or more representatives to induce the purchase of dancing instructions. The complaint that led to the consent order alledged that the prohibited acts and practices have the capacity and tendency to mislead, deceive, coerce, or otherwise induce by unfair and deceptive means a substantial portion of the purchasing public into the purchase of substantial number of dance instruction lessons.

The Commission is of the opinion that the public interest requires that the 1960 consent order to cease and desist in Docket 7845 should be altered, in part, to provide greater protection to members of the public from the abuses with which the order is intended to deal.

Arthur Murray, Inc., in a spirit of cooperative endeavor to insure adequate protection of the consumer in its dance school operations, has consulted with the staff of the Federal Trade Commission and has agreed that modifications to the Commission's Order of 1960 are appropriate.

The Commission proposes to alter the existing order by adding four new parts

dealing primarily with cancellation and refund rights and the corporate respondent's obligations to monitor its franchises for compliance with the order.

Under the first part of the proposed modification, Arthur Marray, Inc., is required to effectuate the following substantive rights for students enrolled at dance studios with franchises from Arthur Marray, Inc.:

1. unilateral right to cancel any contract or written agreement for dance instruction or dance instruction service;

2. a right to a pro rata refund if cancellation occurs within three business days of signing the contract;

3. a right to a pro rata refund if cancellation occurs after three business days. However, the studio may charge a reasonable and fair service fee. For contracts of $1,000 and under, the fee should be no greater than 10% of the total contract price. For contracts over $1,000, the fee should be no greater than $100 plus an amount equal to 5% of the total contract price over $1,000 (not to exceed $250 in total); and

4. a right to reimbursement of the appropriate refund within 30 days after notice cancellation.

Each contract for dance instruction or dance instruction services must also include the following disclosures:

This agreement is subject to cancellation at any time during the term of the agreement upon notification by the student. If this agreement is cancelled within three business days, the studio will refund all payments made under the agreement. After three business days, the studio will only charge you for the dance instruction and dance instruction services actually furnished under the agreement plus a reasonable and fair service fee.

The above cancellation and refund rights are in addition to those currently afforded, under Paragraph 8 of the Commission's Order of 1960, to pupils who purchase multiple or consecutive contracts for dance instruction. Under that Paragraph, which remains intact under the proposed modifications, all extensions, renewals, or other contracts for additional lessons are subject to cancellation by the pupil at any time up to and including one week after the completion of the units of dance instruction covered by the original contract, without cost or obligation, except that a charge may be made for not in excess of two additional lessons furnished during such week provided that all the units of dance instruction covered by the original contract have been used or completed prior to the commencement of the additional lessons.

The first part of the proposed modifications also prohibits the misrepresentation of any requirements of the order to pupils or prospective pupils.

The second part of the proposed modifications provides that nothing contained in the order should be construed to relieve respondent from complying with any prohibitions, restrictions, orders, decrees, or other requirements imposed pursuant to any provision of federal, state, or local law, rule, regulation, or order that affords greater protection to pupils or prospective pupils than comparable provisions of the Commission's order. Further, this part of the order provides that nothing contained in this order should be construed as preventing pupils or prospective pupils from pursuing any private rights of action which they may have against respondent or its franchised studios.

The purpose of this part is to insure that pupils and prospective pupils are afforded maximum protection in purchasing dance instruction lessons within the various state jurisdictions.

The third part of the proposed modifications deals with Arthur Murray, Inc.'s, obligations to insure that its franchisees comply with the order. Respondent must distribute copies of the order to each present and future franchisee; obtain a signed statement from each stating his/her intention to comply with the order; and, institute a surveillance program adequate to reveal whether its franchisees are complying with the order. Respondent must, after notifying a franchisee of any areas of non-compliance, discontinue dealing with any franchisee who continues to engage in a continuous course of conduct involving acts or practices prohibited by the order as revealed by the program of surveillance. Termination of the franchise may be effected in accordance with applicable state law.

The fourth part of the proposed modifications contains standard order provisions pertaining to compliance report requirements, notification of change of business, and distribution of copies of the order to respondent's operating divisions.

There are approximately 190 dance studios throughout the country with franchises from Arthur Murray, Inc., that will be direcly effected by the proposed modifications to the order. Hopefully, other members of the dance school industry will voluntarily adopt cancellation and refund policies which afford equal or greater protecion to the consumer.

The purpose of this analysis is to facilitate public comment on the proposed order, it is not intended to constitute an official interpretation of the existing order in Docket 7845 or the proposed modifications to the order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 79-31279 Filed 10-10-79; 8:45 am]

BILLING CODE 3410-01-DM

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-47]

Statewide Exemptions From Incremental Pricing; Setting Deadline To File Comments

October 5, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice setting deadline to file comments.

SUMMARY: In a Notice issued on September 10, 1979 (44 FR 53178, September 13, 1979), the Commission announced that the period for filing comments in Docket No. RM79-47 was extended indefinitely, until further notice. By this notice, we announce that the deadline for filing comments in Docket No. RM79-47 is November 9, 1979.

DATE: Comments due November 9, 1979.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8079.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31320 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 56

Nondiscrimination on the Basis of Handicap in Federally Assisted

AGENCY: Office of the Secretary of Defense.

ACTION: Proposed rule.

SUMMARY: The Department of Defense is proposing a new directive to implement Section 504 of the 1973 Rehabilitation Act (Pub. L. 93–112). This proposed rule shall prescribe DoD responsibilities, enforcement procedures, standards for determining who is handicapped and what practices are discriminatory. It concerns programs and activities receiving financial assistance from the Department of Defense, and is to be issued to comply with HEW coordinating regulations and Pub. L. 93–112, as amended.

DATES: Written comments must be received by November 13, 1979.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Equal Opportunity), The Pentagon, Room 3E315, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Mr. Clairborne D. Haughton, Jr., Director for Compliance, Telephone: 202–695–0106 or 695–4854.

SUPPLEMENTARY INFORMATION: Section 504 of Pub. L. 93–112 prohibits discrimination on the basis of a handicapped condition of persons applying for employment or working in programs and activities receiving Federal financial assistance. This proposed rule sets forth DoD compliance with existing laws and statutes on this subject.

Accordingly, the Secretary of Defense proposes that a new Part 56 be added to Title 32, Chapter I, of the Code of Federal Regulations, to read as follows:

PART 56—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Sec.

Authority: Executive Order 11914, 29 U.S.C. § 794 (1973) Pub. L. No. 93–112 as amended by Pub. L. No. 93–516, 88 Stat. 1619, Pub. L. 95–602, 92 Stat. 2955; and EO 11246.

§ 56.1 Purpose.

This part implements 45 CFR Part 85 and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as amended, which prohibit discrimination based on handicap in programs and activities receiving Federal financial assistance.

§ 56.2 Applicability and scope.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the National Guard Bureau and the Defense Agencies (hereafter referred to as "DoD Components") that extend Federal financial assistance to any program or activity that is subject to Section 504 of the Rehabilitation Act of 1973 (hereafter referred to as "Section 504"). DoD programs and activities covered by Section 504 are listed in § 56.7.

§ 56.3 Definitions.

(a) *Facility.* All or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or any interest in such property.

(b) *Federal Financial Assistance.* Any grant, loan, contract (other than a procurement contact or a contract of insurance or guaranty), or any other arrangement by which the Federal Government provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services performed by Federal personnel, including technical assistance, counseling, training and providing statistical or expert information;

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair maket value is not returned to the Federal Government.

(c) *Handicapped Person.* Any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

(1) *Physical or mental impairment.* (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; drug addiction; and alcoholism.

(2) *Major life activities.* Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) *Has a record of such an impairment.* Has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) *Is regarded as having an impairment.* (i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (iii) has none of the impairments defined in § 56.3(c)(1), but is treated by a recipient as having such an impairment.

(d) *Qualified Handicapped Person.* A handicapped person who

(1) With respect to employment, can perform the essential functions of the job in question with reasonable accommodation, and

(2) With respect to services, meets the essential eligibility requirements for receiving the services in question.

(e) *Recipient.* Any State or instrumentality of a State or political subdivision thereof, any public or private agency, institution, organization, or other entity, or any person that receives Federal financial assistance directly or through another recipient, including any successor, assignee, or transferee of a recipient, but not the ultimate beneficiary of the assistance.

§ 56.4 Policy.

(a) It is the policy of the Department of Defense that no qualified handicapped person shall, on the basis of handicap, be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance extended by a DoD Component. Guidelines for determining actions that discriminate

against handicapped persons are set out in § 56.8.

(b) Each DoD Component shall assign sufficient personnel to implement this part and to ensure effective enforcement of Section 504 within the Department of Defense.

(c) DoD components shall interpret and enforce strictly the provisions of § 56.9 including those requiring applicants and recipients to execute assurances, consult with interested persons, evaluate their own compliance efforts, and provide notice to the public, and the provisions in § 56.8 that describe discriminatory actions.

(d) Compliance reviews and complaint investigations shall be conducted by DoD Components in accordance with § 56.9 and, after its publication, a DoD Nondiscrimination in Federally Assisted Programs Compliance Manual.

(e) When a DoD Component ascertains noncompliance or probable noncompliance with the requirements of Section 504 or this part it shall take steps to obtain compliance in accordance with § 56.9(g)4.

§ 56.5 Responsibilities.

(a) The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L)), pursuant to 32 CFR Part 352 shall ensure that the policies and procedures of this part are enforced throughout the Department of Defense and shall:

(1) Coordinate efforts of DoD Components to enforce Section 504 and this part;

(2) Assist in the development of standards and procedures promulgated pursuant to § 56.9(a).

(3) Perform the responsibilities assigned to the ASD(MRA&L) in § 56.9, and

(4) Otherwise assist the DoD Components in implementing this part.

(b) The Deputy Assistant Secretary of Defense (Equal Opportunity), (DASD(EO)) under the direction of the ADS(MRA&L) is the principal staff adviser with respect to Section 504 matters and shall monitor the DoD Components' implementation of this part.

(c) The heads of DoD Components administering programs listed in § 56.7 shall have the primary responsibility for implementing Section 504 and this part and shall:

(1) Issue guidelines pursuant to § 56.9(a).

(2) Cooperate fully with the ASD(MRA&L) in the ASD(MRA&L)'s efforts to perform the responsibilities assigned by this part including furnishing to the ASD(MRA&L) in a timely fashion any reports and information requested;

(3) Ensure that all other functions that this part assigns to DoD Components are performed; and

(4) Notify the ASD(MRA&L) of the name, position, location, and telephone number of any persons designated by them to be section 504 coordinators within 15 working days of such a designee's appointment.

§ 56.6 Reporting requirements.

(a) Each DoD Component shall maintain a log of all Section 504 complaints that are filed with it or its recipients. The log shall contain information identifying the complainant; the recipient's name and address; the nature of the complaint; the disposition of the complaint; and other pertinent information. Each DoD Component shall submit a summary report on complaints semiannually to the ASD(MRA&L) before June 15 and December 15 each year.

(b) DoD Components shall submit a report to the ASD(MRA&L) whenever, pursuant to § 56.9(g)(1) the DoD Component notifies an applicant or recipient that noncompliance with Section 504 or this part is indicated. The report shall include the recipient's name and address; the date and nature of the finding; the name of the applicable federally assisted program; and other pertinent information.

§ 56.7 DOD programs and activities subject to section 504.

(a) Title 32, United States Code, The Army and Air National Guard (1976).

(b) Title 40, United States Code, Sections 483, 484, 512 (1970); Title 49, United States Code, Sections 1101, 1119; Title 10, United States Code, Sections 2541, 2542, 2543, 2572, 2662, 7308, 7541, 7542, 7545, 7546, 7547 (1976), various programs involving loan or other disposition of surplus property (various general and specialized statutory provisions).

(c) Title 10, United States Code, Section 4307 (1976) and the annual Department of Defense Appropriation Act, National Program for Promotion of Rifle Practice.

(d) Title 10, United States Code, Sections 3540(b), 4651 (1976), National Defense Cadet Corps Program.

(e) SECNAVINST 5720.19A, Navy Science Cruiser Program.

(f) Title 10, United States Code, Section 9441 (1976), Civil Air Patrol.

(g) Title 41, United States Code Annotated, Section 501 (1979), Research grants of cooperative agreements made under the authority of Pub. L. 95–224.

(h) Title 33, United States Code, Section 426 (1976), Army Corps of Engineers participation in cooperative investigations and studies concerning erosion of shores of coastal and lake waters.

(i) Army Corps of Engineers assistance in the construction of works for the restoration and protection of shores and beaches, Section 103 of the 1962 River and Harbor Act, as amended; Pub. L. 87–874, Title I, 76 Stat. 1173.

(j) Title 16, United States Code, Section 460d (1976), public park and recreational facilities at water resource development projects under the administrative jurisdiction of the Department of the Army and Pub. L. 89–72, 79 Stat. 213 (July 9, 1965), the Federal Water Project Recreation Act.

(k) Title 33, United States Code, Section 701c–3, (1976), payment to States of proceeds of lands acquired by the United States for flood control navigation, and allied purposes.

(l) Title 33, United States Code, Section 558c and 702d–1 (1976); Title 10, United States Code, Sections 2668 and 2669; Title 43, United States Code, Section 961 (1976); Title 40, United States Code, Section 319 (1976), grants of easements without consideration, or at a nominal or reduced consideration, on lands under the control of the Department of the Army at water resource development projects.

(m) Title 33, United States Code, Sections 540 and 577 (1976); Section 107 of 1960 River and Harbor Act as amended; Pub. L. 86645, Title I, 74 Stat. 480, Army Corps of Engineers assistance in the construction of small boat harbor projects.

(n) Section 33, United States Code, Section 701s (1976), as amended by Pub. L. 93–251, Title I, § 61, 88 Stat. 29, as further amended by Pub. L. 94–587, 90 Stat. 2917 (1976), emergency bank protection works constructed by the Army Corps of Engineers for protection of highways, bridge approaches and public works.

(o) United States Code Annotated, Section 390b (1979), Pub. L. 85–500, Title III, 72 Stat. 297 (United States Code Annotated, Section 390b (1979)) assistance to States and local interests in the development of water supplies for municipal and industrial purposes in connection with Army Corps of Engineers reservoir projects (Water Supply Act of 1958).

(p) Title 33, United States Code, Section 633 (1976), Army Corps of Engineers contracts for remedial works under authority of Section 111 of the Act of July 3, 1958.

(q) 50 U.S.C. 453 (1976), Defense Logistics Agency loans of industrial

equipment to educational institutions (Tools for Schools) under authority of Pub. L. No. 93–155, 87 Stat. 618;

(r) Pub. L. No. 89–298, Title III, 79 Stat. 1073; Section 104 of the River and Harbor Act of 1958; Pub. L. No. 85–500, Title I, 72 Stat. 297; Title 33, U.S.C. 610 (1976), provision of specialized services or technical information by the Army Corps of Engineers to State and local governments for the control of obnoxious aquatic plants in rivers, harbors, and allied waters (Section 302 of the River and Harbor Act of 1965);

(s) Title 42 U.S.C §196d16 (1976), Pub. L. No. 93–251, Title I, 88 Stat. 12; (Title 42 U.S.C 1962d16 (1976)), provision of specialized services by the Army Crops of Engineers to any State for the preparation of comprehensive plans for drainage basins located within the boundaries of said State (Section 22 of 1974 Water Resources Development Act).

(t) Title 33, U.S.C. 603a (1976) (Section 3 of the 1945 River and Harbor Act); Pub. L. No. 79–14, 59 Stat. 23, provision of specialized services by the Army Corps of Engineers to improve channels for navigation.

(u) Title 33, U.S.C. 701g, as amended by Pub. L. No. 93–251, Title I § 26, 88 Stat. 20 (1976), Section 2 of the 1937 Flood Control Act, 50 Stat. 867, as amended; Pub. L. No. 79–14, 59 Stat. 23, provision of specialized services by the Army Corps of Engineers to reduce flood damage.

(v) 24 U.S.C. 53 (1976), United States Solidiers' and Airmen's Home.

(w) DoD Regulation 6010.8–R, DoD Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

§ 56.8 Guidelines for determining discriminatory practices.

(a) *General prohibitions against discrimination.* (1) No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, denied the benefit of, or otherwise subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.

(2) A recipient may not directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Provide different or separate aid, benefits or services to handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aid, benefits or services that are equal to those provided to others; or

(ii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit or service.

(3) A recipient may not deny a qualified handicapped person the opportunity to participate in programs or activities that are not separate or different even if such separate or different programs and activities are permissible under paragraph § 56.8(b)(1).

(4) A recipient may not provide significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program.

(5) A recipient may not, on the basis of handicap, deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards.

(6) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration that:

(i) Have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap;

(ii) Have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons; or

(iii) Perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same state.

(7) Recipients shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

(8) Recipients shall take appropriate steps to make communications with their applicants, employees, and beneficiaries available to persons with impaired vision and hearing.

(9) This section shall not be interpreted to prohibit the exclusion of:

(i) Persons who are not handicapped from the benefits of a program limited by Federal statute or executive order to handicapped persons; or

(ii) One class of handicapped persons from a program limited by federal statute or executive order to a different class of handicapped persons.

(b) *Prohibitions aganist employment discrimination*— (1) *General Prohibitions.* (i) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity that receives or benefits from Federal financial assistance.

(ii) The prohibition against discrimination in employment applies to the following activities:

(A) Recruitment, advertising, and the processing of applications for employment;

(B) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring;

(C) Rates of pay or any other form of compensation and changes in compensation;

(D) Job assignments, job classification, organizational structures, positions descriptions, lines of progression, and seniority lists;

(E) Leaves of absence, sick leave, or any other leave;

(F) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(G) Selection and financial support for training, including apprenticeship, professional meetings, conferences and other related activities, and selection for leaves of absence for training;

(H) Activities sponsored by the employee, including social or recreational programs; and

(I) Any other term, condition, or privilege of employment.

(iii) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this section, including relationships with employment and referral agencies, labor unions, organizations providing or administering fringe benefits to employees of the recipient, and organizations providing training and apprenticeship programs.

(c) *Program accessibility*—(1) *General requirements.* (i) No qualified handicapped person shall, because a recipient's facilities are inaccessible to or not usable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.

(ii) In determining the site or location of a facility, a recipient may not make selections that have:

(A) The effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance; or

(B) The purpose or effect of defeating or substantially impairing, with respect to handicapped persons, the

accomplishment of the objectives of the program or activity.

(2) *Existing Facilities.* (i) A recipient shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons. For guidance in determining the accessibility of facilities, see paragraph 56 of DoD 4270.1-M, "Construction Criteria," June 1, 1978, and Department of the Army, Office of the Chief of Engineers, Manual EM 1110-1-103, "Design for the Physically Handicapped" 15 October 1976. Inquiries on specific accessibility design problems may be addressed to the Deputy Assistant Secretary of Defense (Installations and Housing), DASD(I&H), OASD(MRA&L).

(ii) Where structural changes are necessary to make programs or activities in existing facilities accessible to the extent required by § 56.8(c)(1)(i).

(A) Such changes shall be made as soon as practicable, but in no event later than 3 years after the effective date of this part: *Provided,* That if the program is a particular mode of transportation (such as a subway station) that can be made accessible only through extraordinarily expensive structural changes to, or replacement of, existing facilities and if other accessible modes of transportation are available, the DoD Component responsible for enforcing Section 504 and this part with respect to that program may extend this period of time, but only for a reasonable and definite period which shall be determined after consultation with the DASD(EO); and

(B) The recipient shall develop, with the assistance of interested persons or organizations and within a period to be established in each DoD Component's guidelines, a transition plan setting forth the steps necessary to complete such changes.

(3) *New Construction.* New facilities shall be designed and constructed to be readily accessible to and usable by handicapped persons. Alternatives to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by handicapped persons. For guidance in determining the accessibility of facilities see paragraph 5-6 of DoD 4270.1-M, "Construction Criteria," June 1, 1978, and Department of the Army Office of the Chief of Engineers, Manual, EM 1110-1-103, "Design for the Physically Handicapped" 15 October 1976. Inquires with respect to specific accessibility design problems may be addressed to the DASD(I&H), OASD(MRA&L).

§ 56.9 Ensuring compliance with section 504.

(a) *Publishing guidelines.* (1) Where appropriate, DoD Components shall publish Section 504 guidelines for each type of program to which they extend financial assistance, within 90 days of the effective date of this part or of the effective date of any subsequent statute authorizing Federal financial assistance to a new type of program. DoD Components shall submit such guidelines to and obtain the approval of the ASD(MRA&L) before implementing them. The ASD(MRA&L) shall submit the guidelines to the Director of the Office for Civil Rights, Department of Health, Education, and Welfare for review.

(2) The DoD Components shall ensure that the guidelines conform to the requirements of this part and that they provide:

(i) A description of the type of program covered;

(ii) Examples of prohibited practices that are likely to arise with respect to that type of program;

(iii) A list of the data collection and reporting requirements of the recipients;

(iv) Procedures for processing and investigating complaints;

(v) Procedures for hearings to determine compliance with Section 504 and this part;

(vi) Requirements or suggestions for affirmative action on behalf of qualified handicapped persons;

(vii) For the dissemination of program and complaint information to the public;

(viii) A description of the form of the assurances that must be executed pursuant to § 56.9(b) and sample assurances;

(ix) Requirements concerning the frequency and nature of post-approval reviews conducted pursuant to § 56.9(f)(3)(iv);

(x) A period of time, allowed under § 56.8(c)(2)(ii)(B) for the development of a transition plan that sets out the steps necessary to complete structural changes that might be required by § 56.8(c)(2)(i);

(xi) A period of time that would be the most that could be allowed for extensions that might be granted pursuant to § 56.8(c)(2)(ii)(A);

(xii) An appendix that contains a list of all of the programs of the type covered by the guidelines, including the name of the program and the authorizing statute, regulation of directive for each program; and

(xiii) For any other actions or procedures necessary to implement this part.

(3) When a DoD Component determines that it would not be appropriate to include some of the provisions described in § 59.9(a)(2) in their Section 504 guidelines since conducting an onsite compliance review would be impractical and undesirable because of the nature of the program, the reasons for such determination shall be stated in writing and submitted to the ASD(MRA&L) for review and approval. Once approved, the DoD Component shall make such determinations of inapplicability available to the public upon request.

(4) The Heads of DoD Components, or designee, shall be responsible for keeping the guidelines described in § 56.9(a)(1) current and accurate. When a DoD Component determines that a program should be added to or deleted from the guidelines, the DoD Components shall notify the ASD(MRA&L) in writing. At appropriate intervals the ASD(MRA&L) shall make any change to this part that is necessary and justified.

(b) *Assurances.* (1) DoD Components shall require all applicants to file a written assurance that the program or activity will be conducted in accordance with Section 504, this part, and guidelines promulgated by DoD Components pursuant to § 56.9(a). If an applicant fails to provide an assurance that conforms to the requirements of this section, the DoD Component shall attempt to effect compliance pursuant to § 56.9(g): *Provided,* That, if the assistance is due and payable based on an application approved prior to the date of this part, the DoD Component shall continue the assistance while any proceedings required by § 56.9(g)(3)(ii)(B) are pending.

(2) DoD Components shall advise each applicant of the required elements of the assurance and, with respect to each program, of the extent to which primary beneficiaries will be required to execute similar assurances.

(3) DoD Components shall ensure that each assurance:

(i) Obligates the recipient to advise the DoD Component of any complaints received that allege discrimination against handicapped persons;

(ii) Obligates the recipient to collect and provide the data and information that the DoD Component describes in its guidelines pursuant to § 56.9(a)(2)(iii);

(iii) Is made applicable to any Federal financial assistance that might be extended without the submission of a new application;

(iv) Obligates the recipient, when the financial assistance is in the form of property, for the period during which the property is used under the financial assistance agreement or is possessed by the recipient; and

(v) Includes provisions that give the United States a right to seek judicial enforcement.

(c) *Consultation with interested persons and organizations; self-evaluation.* (1) Where appropriate, DoD Components shall require recipients to consult at least annually with interested persons, including handicapped persons, or organizations representing handicapped persons, and with the assistance of such persons or organizations and within 1 year of the effective date of this Part to:

(i) Evaluate the effects of its policies and practices with respect to its compliance with Section 504, this part and the applicable DoD Component's guidelines promulgated pursuant to § 56.9(a).

(ii) Modify any policies that do not meet such requirements; and

(iii) Take appropriate remedial steps to eliminate the discriminatory effects of any such policies or practices.

(2) For at least 3 years following the completion of an evaluation required under paragraph (a)(1) of this Section, a recipient shall maintain on file, make available for public inspection, and provide to the responsible DoD official upon request:

(i) A list of the interested persons consulted

(ii) A description of areas examined and problems identified, if any, with respect to those areas; and

(iii) A description of any modification made and remedial steps taken.

(d) *Dissemination of Section 504 Information.* (1) Within 90 days of the effective date of this Part and on a continuing basis thereafter, each recipient shall notify beneficiaries and employees of their rights under Section 504 and this part and shall take appropriate steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations involved in collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of handicap in violation of Section 504 or this part. The notification shall state, where appropriate, that the recipient does not discriminate in admitting or providing access to or treating or employing persons in its programs or activities. Such notification may be accomplished by posting notices; publishing in newspapers and magazines; placing notice in its publications; and distributing memoranda or other written communications.

(2) If a recipient publishes or uses and makes available to participants, beneficiaries, applicants or employees, recruitment materials or publications containing general information about the recipient's programs, it shall include in those materials or publications a statement of the policy described in this paragraph. This may be accomplished by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

(e) *Intimidation and interference.* Recipients shall take reasonable steps to ensure that no person intimidates, threatens, coerces or discriminates against any individual for the purpose of interfering with or discouraging the filing of a complaint, furnishing of information, or assistance or participation in an investigation, compliance review, hearing or other activity related to the administration of Section 504 or this part.

(f) *Determining Compliance.*—(1) *Staff Responsibilities.* All DoD Component determinations of compliance with Section 504 shall be subject to the review of the ASD(MRA&L) at appropriate intervals. Where responsibility for approving applications is assigned to regional or area offices, personnel in such offices shall be designated to perform the functions described in § 56.9(f)(3) and (4).

(2) *Access to Records and Facilities.* Each recipient shall permit access to its premises by DoD officials during normal business hours when such access is necessary for conducting on-site compliance reviews or complaint investigations and shall allow such officials to inspect and copy any books, records, accounts and other material that are relevant to determining the recipients's compliance with Section 504 and this part. Information so obtained shall be used only in connection with the administration of Section 504 and this part. If the recipient does not have the information requested, it shall submit to the Dod Component a written report that contains a certification that the information is not available and describes the good faith effort made to obtain the information.

(3) *Compliance Review.* DoD Components shall determine each applicant's and recipient's compliance with Section 504 and this part as prescribed below:

(i) *General.* Whenever possible, DoD Components shall perform Section 504's compliance review in conjunction with their Title VI review and audit efforts.

(ii) *Desk Audit Application Review.* Prior to approving an application, the DoD Components concerned shall make a written determination, based on a review of the assurance of compliance executed by an applicant pursuant to § 56.9(b) and other data submitted by the applicant, whether the applicant is in compliance with Section 504 and this part. If the information demonstrates that the applicant is in compliance with Section 504 and this part,the DoD Components shall notify the applicant promptly that the applicant is in compliance. When a determination cannot be made from the assurance and other data submitted by the applicnt, the DoD Components concerned shall require the applicant to submit additional information and shall take other steps as necessary to determine the applicant's compliance status.

(iii) *Pre-approval On-site Review.* (A) When a desk audit application review conducted pursuant to § 56.9(f)(3)(ii) indicates that the applicant might not be in compliance with Section 504 or this part, the DoD Component concerned may conduct a pre-approval on-site review before approving the financial assistance. The DoD Component shall conduct such a review.

(*1*) Where appropriate, if a desk audit application review reveals that the applicant's compliance posture is questionable because of a history of discrimination complaints, current discrimination complaints, a noncompliance determination by another Government agency or other indications of possible noncompliance; or

(*2*) If requested assistance is for construction, except under extraordinary circumstances, to determine whether the location and design of the project would provide service on a nondiscriminatory basis (*see* § 56.8(c)).

(B) Pre-approval reviews shall be conducted under the DoD Components' guidelines and in accordance with the provisions of § 56.9(3)(iv) concerning post-approval reviews.

(iv) *Post-approval Review.* DoD Components shall

(A) Establish and maintain effective programs of post-approval reviews;

(B) Conduct such reviews of each recipient, the frequency and the nature of which shall be prescribed in the DoD Components' gudelines implementing this Part;

(C) Require recipients to periodically submit compliance reports to them;

(D) Commit to writing the results of the reviews, including findings of fact and recommendations;

(E) Within 120 calendar days after the recipient is notified, conduct a review unless an extension of time is granted by the ASD(MRA&L) for good cause shown, either:

(*1*) Find the recipient to be in compliance and notify the recipient of that finding; or

(*2*) Notify the recipient and the ASD(MRA&L) of a finding of probable noncompliance, pursuant to § 56.9(g)(1).

(4) *Compliant Procedures.* DoD Components shall establish and publish in their guidelines procedures for the prompt processing and disposition of complaints consistent with the following provisions:

(i) *Complaints.* (A) A DoD Component shall consider all complaints that

(*1*) Are filed with it within 180 days of the alleged discrimination or within a longer period of time if an extension is granted for good cause by the DoD Component with the approval of the ASD(MRA&L).

(*2*) Include the name, address and telephone number of the complainant; the name and address of the recipient committing the alleged discrimination; a description of the acts considered to be discriminatory; and other pertinent information; and

(*3*) Are signed by the complainant or the complainant's authorized representative.

(B) DoD Components shall trasmit a copy of each complaint filed with them to the ASD(MRA&L) within 10 work days after its receipt.

(C) If the information in a complaint is incomplete, the DoD Component shall request the additional information required. If the additional information requested is not received within 60 calendar days of the date of the request, the case may be closed and the complainant so notified in writing.

(D) If a complaint is filed with DoD Component with respect to a program of activity over which the DoD Component does not have jurisdiction, DoD Components shall refer to complaint to the ASD(MRA&L) and advise the complainant in writing of such referral.

(ii) *Investigations of Complaints by DoD Components.* (A) DoD Components shall investigate complaints that meet the standards described in § 56.9(f)(4)(i) unless good cause for not investigating is stated in a notification to the complainant of the disposition of the complaint.

(B) DoD Components shall maintain a case record that contains:

(1) The name, address and telephone number of each person interviewed;

(2) Copies, transcripts or summaries of pertinent documents;

(3) A reference to at least one covered program receiving financial assistance and a description of the amount and nature of the assistance; and

(4) A narrative report of the results of the investigation that contains references to relevant exhibits and other evidence that relates to the alleged violations.

(iii) *Investigations of Complaints by Recipients.* A DoD Component may require or permit recipients to process Section 504 complaints. In such cases, the DoD Component shall:

(A) Ensure that the recipient processes the complaints under the standards, procedures and requirements set out in § 56.9(f)(4)(ii);

(B) Require the recipient to submit a written report of each complaint and investigation;

(C) Retain a review responsibility over the investigation and disposition of each complaint;

(D) Ensure that the complaint investigations are completed within 120 calendar days from the receipt of the complaint unless an extension of time is granted for good cause by the ASD(MRA&L); and

(E) Require the recipient to maintain a log of all complaints filed against it, as described in § 56.6(a).

(iv) *Results of Investigations.* (A) The DoD Component shall give written notification:

(1) Of the disposition of the complaint to the complainant and the applicant or recipient; and

(2) To the complainant that within 30 calendar days of receipt of the DoD Component's notice of findings, the DoD Component may request that the ASD(MRA&L) review the findings pursuant to paragraph (f)(4)(v) of this section.

(B) If the complaint investigation results in a determination by the DoD Component that a recipient is not complying with Section 504 and this part, the DoD Component shall proceed as prescribed in § 56.9(g). If the DoD Component determines that the recipient is complying with those requirements, the DoD Component shall submit the complete case file to the ASD(MRA&L) within 15 days after the notification to the complainant of the disposition of the investigation.

(v) *Reviewing Completed Investigations.* (A) The ASD(MRA&L) may review all completed investigations.

(B) The ASD(MRA&L), or designee, shall review the results of any investigation of a complaint if the complaint requests such a review pursuant to subsection § 56.9(f)(4)(iv)(A)(1).

(C) After reviewing the results of an investigation, the ASD(MRA&L), may:

(1) Find that no further investigation is necessary and approve the results of the investigation;

(2) Request further investigation by the DoD Component; or

(3) Assume jurisdiction and take appropriate action.

(g) *Effecting Compliance.* When a compliance review or complaint investigation indicates a violation of Section 504, this part, the applicable DoD Component's guidelines promulgated pursuant to § 56.9(a) or the assurance executed pursuant to § 56.9(b), the responsible DoD Component shall attempt to effect compliance in the following manner:

(1) *Written Notice.* The DoD Component shall issue to the recipient and, pursuant to § 56.6(b), to the ASD(MRA&L) a written notice that:

(i) Describes the apparent violation and the corrective actions necessary to achieve compliance;

(ii) Extends an offer to meet informally with the recipient; and

(iii) Informs the recipient that failure to respond to the notice within 15 calendar days of its receipt would result in the initiation of enforcement procedures described in § 56.9(g)(3).

(2) *Attempting to achieve voluntary compliance.* (i) The DoD Components shall attempt to meet with the applicant or recipient and take other reasonable steps to attempt to persuade him or her to take the steps necessary to achieve compliance.

(ii) If the applicant or recipient agrees to take remedial steps to achieve compliance, the DoD Component shall require that the agreement be in writing and:

(A) Be signed by the head of the DoD Component concerned or designee and by an executive official of the recipient;

(B) Specify the action necessary to achieve compliance;

(C) Be made available to the public upon request; and

(D) Be subject to the approval of the ASD(MRA&L).

(iii) If satisfactory adjustment or a written agreement has not been achieved within 60 days of the recipient's response to the notice issued pursuant to paragraph (g)(1), of this section, the DoD Component shall notify the ASD(MRA&L) and state the reasons for the length of the negiotiations.

(iv) The DoD Component shall intitiate enforcement actions set out in paragraph (g)(3), of this section, if:

(A) The applicant or recipient does not respond to the notice sent pursuant to paragraph (g)(1), of this section within 15 calendar days of its receipt and

satisfactory adjustments are not made within 30 days of th date of such notice; or

(B) The DoD Component or the ASD(MRA&L) determines at any time that, despite reasonable efforts, it is not likely that the recipient will comply promptly and voluntarily.

(v) If pursuant to paragraph (2)(iv), of this section, the DoD Component initiates enforcement action, the DoD Component also shall continue to attempt to persuade the applicant or recipient to comply voluntarily.

(3) *Imposing Sanctions*— (i) *Sanctions Available.* If a DoD Component has taken action pursuant to paragraphs (g)(1) and (2) of this section subject to paragraphs (g)(3) (ii) and (3)(iii), of this section, the DoD Component may:

(A) Teminate or refuse to grant or continue assistance to such recipient;

(B) Refer the case to the Department of Justice for the initiation of judicial proceedings;

(C) Pursue any remedies under State or local law; or

(D) Impose other sanctions available under Section 504.

(ii) *Terminating or Refusing to Grant or Continue Assistance.* A DoD Component may not terminate or refuse to grant or continue Federal financial assistance unless:

(A) Such action has been approved by the ASD(MRA&L);

(B) The DoD Component has given the applicant or recipient an opportunity for a hearing pursuant to the procedures set out in paragraph (g)(3)(iv), of this section, and a finding of noncompliance has resulted;

(C) Thirty days have lapsed since the Secretary of Defense has filed a written report describing the violation and the action to be taken with the committees of the House of Representatives and Senate that have jurisdiction over the program; and

(D) Such action is limited to affect only the particular program, or part thereof, of the applicant or recipient where the violation exists.

(iii) *Other Sanctions.* A DoD Component may not impose the sanctions set out in paragraphs (g)(3)(i) (B) to (D), of this section;

(A) The DoD Component has given the applicant or recipient an opportunity for a hearing pursuant to the procedures set out in paragraph (g)(3)(iv)(F), of this section, and a finding of noncompliance has resulted;

(B) The action has been approved by the ASD(MRA&L);

(C) Ten working days have lapsed since the mailing of a notice informing the applicant or recipient of his or her continuing failure to comply with Section 504 of this part, the action necessary to achieve compliance and the sanction to be imposed; and

(D) During those 10 days the DoD Component has made additional efforts to persuade the recipient to comply.

(iv) *Hearings.* When pursuant to § 56.9(3)(ii) an opportunity for a hearing is given to an applicant or recipient, DoD Components shall follow the procedures prescribed below;

(A) *Notice.* (*1*) The DoD Component shall notify the recipient of the opportunity for a hearing by registered or certified mail, return recipt requested. The DoD component shall ensure that the notice:

(*i*) Describes the proposed sanction to be imposed;

(*ii*) Cites the provision of this part under which the proposed action is to be taken;

(*iii*) States the name and office of the DoD Component official who is responsible for conducting the hearings;

(*iv*) Sets out the issues to be decided at the hearing; and

(*v*) Advises the applicant or recipient either of a date not less than 20 calendar days after the date that the notice is received within which the applicant or recipient may request that the matter be scheduled for a hearing, or of a reasonable time and place of a hearing that is subject to change for good cause shown.

(*2*) When a time and place for a hearing are set, the DoD Component shall give the applicant or recipient and the complainant, if any, reasonable notice of such time and place.

(B) *Waiver of a Hearing. (1)* An applicant or recipient may waive a hearing and submit to the responsible DoD official in writing information or arguments on or before the date stated, pursuant to paragraph (g)(3)(iv)(A)(*1*)(*v*), of this section, in the notice.

(*2*) An applicant or recipient waives his or her right to a hearing if he or she fails to request a hearing on or before a date stated pursuant to paragraph (g)(3)(iv)(A)(*1*)(*v*), of this section, or fails to appear at a hearing that has been set pursuant to that paragraph.

(*3*) If a applicant or recipient waives his or her right to a hearing under paragraph (g)(3)(iv)(B) (*1*) or (*2*) of this section, the responsible DoD official shall decide the issues and render a final decision, based on the information available, that conforms to the requirements of paragraph (g)(3)(iv)(H)(*4*), of this section.

(C) *Time and Place of Hearing.* Hearings shall be held at a reasonable time and at the Washington, D.C. offices of the DoD Component concerned unless the responsible DoD official determines that the convenience of the applicant or recipient requires that another place be selected.

(D) *Hearing Examiner.* Hearings shall be conducted by the responsible DoD official or the official's designee, *provided* that such designee shall be a field grade officer or civilian employee above the grade of GS–12 (or the equivalent) who is admitted to practice law before a Federal court or the highest court of a state.

(E) *Right to Counsel.* In all proceedings under this section, the applicant or recipient and the Dod Component may be represented by counsel.

(F) *Procedures.* (*1*) Hearings shall be open to the public.

(*2*) Formal rules of evidence shall not apply. The responsible DoD Component and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues stated in the notice of hearing pursuant to paragraph (g)(3)(ii)(A)(*2*)(*iv*), of this section, and those designated by the hearing examiner at the outset of or during the hearing. The hearing examiner may exclude, however, irrelevant, immaterial or repetitious evidence.

(*3*) All witnesses may be examined or cross-examined by either party or its counsel.

(*4*) All parties shall have the opportunity to examine all evidence offered or admitted for the record.

(*5*) A transcript of the proceedings shall be maintained and made available to all parties.

(G) *Consolidated or Joint Hearings.* Where the same or related facts are alleged to constitute noncompliance with this part with respect to two or more programs or with this part and regulations issued under Section 504 by one or more other Federal agencies, the ASD(MRA&L) and the Secretary of a Military Department or other responsible DoD official may decide or, where other agencies or DoD Components are involved, may agree with them to conduct a consolidated or joint hearing under procedures consistent with this part. Final decisions in such cases shall be made in accordance with paragraph (g)(3)(iv)(H), of this section.

(H) *Decisions.—(1) Initial or Proposed Decisions by a Designated Hearing Examiner.* If a hearing is conducted by a hearing examiner who is designated by the responsible DoD official pursuant to paragraph (g)(3)(iv)(D), of this section, the examiner shall either:

(*i*) make an initial decision, if so authorized, that conforms to the requirements of paragraph (g)(3)(iv)(H) (*4*) of this section; or

(*ii*) certify the entire record and submit to the responsible DoD official recommended findings and a proposed decision.

(*2*) *Review of Initial Decisions.* Initial decisions made by a designated hearing examiner pursuant to paragraph (g)(3)(iv)(H)(*1*)(*i*), of this section, shall be reviewed as follows:

(*i*) An applicant or recipient may file exceptions to an initial decision within 30 calendar days of receiving notice of such initial decision. Reasons shall be stated for each exception.

(*ii*) If the applicant or recipient does not file exceptions pursuant to paragraph (g)(3)(iv)(H)(*2*)(*i*), of this section, the responsible DoD official may notify the applicant or recipient within 45 days of the initial decision that the official will review the decision.

(*iii*) If exceptions are filed pursuant to paragraph (g)(3)(iv)(H)(*2*)(*i*), of this section or a notice of review is issued pursuant to paragraph (g)(3)(iv)(H)(*2*)(*ii*), of this section the responsible DoD official shall review the initial decision and, after giving the applicant or recipient reasonable opportunity to file briefs or other written statements of its contentions, issue a final decision that addresses each finding and conclusion in the initial decision and each exception, if any, presented.

(*iv*) If the exceptions described in paragraph (g)(3)(iv)(H)(*2*)(*i*) of this Section are not filed and the responsible Department official does not issue the notice of review described in paragraph (g)(3)(iv)(H)(*2*)(*ii*) of this section the initial decision of the designated hearing examiner shall constitute the final decision of the responsible DoD official.

(*3*) *Decisions by the Responsible DoD Official Who Conducts a Hearing or Recieves a Certified Record.* If a hearing examiner who is designated by the responsible DoD official certifies the record and submits recommended findings and a proposed decision to the official pursuant to paragraph (g)(3)(iv)(H)(*2*)(*ii*) of this section or if the responsible DoD official conducts the hearing, he or she, after giving the applicant or recipient reasonable opportunity to file briefs or other written statements of its contentions, shall render a final decision that conforms to paragraph (g)(3)(iv)(H)(*4*) of this section.

(*4*) *Contents of Decisions.* Each decision of a designated hearing examiner or responsible DoD official shall set out all findings and conclusions and identify each violation of Section 504 or this part. The final decision may contain an order providing for the suspension or termination of or refusal to grant or continue all or some of the Federal financial assistance under the program involved and contain terms, conditions and other provisions that are consistent with and intended to achieve compliance with Section 504 of this part.

(*5*) Notice of Decisons and Certifcations. The responsible DoD official shall provide a copy of any certification of the record of a hearing and any initial or final decision to the applicant or recipient and the complainant, if any.

(*6*) Review by the Secretary of Defense. The responsible DOD official shall transmit promptly any final decision that orders a suspension or termination of or the refusal to grant or continue Federal financial assistance through the ASD (MRA&L) to the Secretary of Defense. The Secretary may:

(*i*) Approve the decision;

(*ii*) Vacate the decision; or

(*iii*) Remit or mitigate any sanction imposed.

(4) *Restoring Eligibility for Federal Financial Assistance.* (i) An applicant or recipient that is affected adversely by a final decision issued under § 56.9(g)(3)(iv) may at any time request the responsible DoD official to restore fully its eligibility to receive Federal financial assistance.

(ii) If the responsible DoD official determines that the information supplied by the applicant or receipient demonstrates that he or she has satisfied the terms and conditions of the order and is complying with and has provided reasonable assurance that he or she will continue to comply with Section 504 and this part the official shall restore such eligibility immediately.

(iii) If the responsible DoD official denies a request for restoration of eligibility, the applicant or recipient may submit a written request for a hearing that states the reasons that he or she believes that the official erred in denying the request. Following such a written request, the applicant or recipient shall be given an expeditious hearing under rules of procedure issued by the responsible DoD official to determine whether the requirements described in paragraph (g)(4)(ii), of this section have been met. While any such proceedings are pending, the sanctions imposed by the order issued under § 56.9(g)(3)(iv) shall remain in effect.

(h) *Interagency Cooperation and Delegations.* (1) When a substantial number of recipients are receiving assistance for the same or similar purposes from a DoD Component and another Federal agency, the DoD Component shall notify the ASD(MRA&L) who shall attempt to negotiate with the Federal agency a written agreement that designates the agency or the DoD Component, depending upon which of them administers a larger financial assistance program with the common recipients and other relevant factors, as the primary agency for Section 504 compliance purposes and sets out written procedures, as necessary, to ensure enforcement of Section 504. Such requests shall be in writing and shall describe:

(i) The programs involved;

(ii) The amount of money expended on the programs in the previous and current fiscal year by the DoD Component and the agency; and

(iii) A list of the known primary recipients.

(2)(i) Where a substantial number of recipients are receiving assistance for the same or similar purposes from two or more DoD Components and a written delegation agreement with another Federal agency is not possible, the DoD Components may negotiate a proposed written delegation agreement that:

(A) Assigns responsibility for ensuring that the recipient complies with Section 504 and this part to one of the DoD Components; and

(B) Provides for the notification to recipients and the employees of the DoD Components involved of the assignment of enforcement responsibility.

(ii) No such delegation agreement shall be effective until it is approved by the ASD(MRA&L).

(3) Where possible, existing Title VI delegation agreements shall be amended to provided for the enforcement of Section 504.

(4) Any DoD Component conducting a compliance review or investigating a complaint of an alleged violation shall notify any other affected agency or DoD Component through the ASD(MRA&L) upon discovery of its jurisdiction and shall subsequently inform it of the findings made. Such reviews or investigations may be conducted on a joint basis.

(5) Where a compliance review or complaint investigation under Section 504 and this part reveals a possible violation of Executive Order 11246, Titles VI and VII of the 1964 Civil Rights Act or other Federal law, the DoD Component shall notify the appropriate agency through the ASD(MRA&L).

(i) *Coordination with Section 502 and 503.* DoD Components shall use DoD 4270.1–M, "Construction Criteria," June 1, 1976, and U.S. Army, Office of the Chief of Engineers Manual, EM 1110–1–103, "Design for the Physically handicapped," October 15, 1976 in developing requirements for the accessibility (*see* § 56.8(f) through (h)). If

problems encountered are not covered by the above publication, the OSASD (I&H) may be consulted. If necessary, the DASD(I&H) shall consult with the Architectural and Transportating Barriers Compliance Board in resolving such problems. DoD Components may advise and encourage recipients to consult directly with the Architectural and Transportation Barriers Compliance Board in developing accessibility criteria. DoD Components shall coordinate enforcement actions relating to the accessibility of facilities with the Architectural and Transportating Barriers Compliance Board through the DASD(I&H) and shall notify the DASD(EO) of such coordination.

H.E. Lofdahl, *Director,*

Correspondence and Directives, Washington Headquarters Services, Department of Defense.

October 4, 1979.

[FR. Doc. 79-31276 Filed 10-10-79; 8:45 am]

BILLING CODE 3810-70-M

VETERANS ADMINISTRATION

38 CFR Part 3

Pension, Compensation, and Dependency, and Indemnity Compensation; Effective Dates; Withdrawal of Proposed Change

AGENCY: Veterans Administration.

ACTION: Withdrawal of proposed regulation change.

SUMMARY: The Veterans Administration is withdrawing its proposed regulatory amendment change the effective date of an apportionment of a running award of compensation or pension from the first day of the month following the month in which claim for apportionment is received, to the first day of the month following the month in which the decision to apportion is made.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle Jr. 202-389-3005.

SUPPLEMENTARY INFORMATION: On pages 40239-40 of the **Federal Register** of September 11, 1978, there was published a notice of proposed regulatory development to amend § 3.400(e) to change the effective date of an apportionment of a running award of compensation or pension from the first day of the month following the month in which the apportionment claim is received, to the first day of the month following the month in which a decision to apportion is made.

Interested persons were given 30 days to submit comments, suggestions or objections to the proposed regulation change. Three comments were received.

One of the commentators felt that adoption of the proposed rule would be inequitable since the veteran would have an incentive to prolong the decision making process and, in addition, would be inclined to contest a decision favorable to an apportionee claimant even when it was clear that the claimant was entitled to an apportionment.

We believe that the arguments of this commentator have merit and we are, therefore, withdrawing the proposed change to § 3.400(e).

Reexamination of our current apportionment procedure, which was explained in the notice of proposed regulatory development, leads us to conclude that the present apportionment effective date (first day of the month following the month in which claim for apportionment is received) is more equitable.

Considering the apportionment decision making process as a whole, we are now of the opinion that withholding of a portion of the veteran's pension or compenation pending an apportionment decision does not violate the veteran's due process rights.

Another commentator suggested a time limit be placed on the submission of evidence as a means of insuring a more equitable application of our proposed amendment to § 3.400(e). We do not believe such an approach would overcome the inequities pointed out above.

The third commentator suggested that notice of a claim for apportionment and the request for relevant evidence to be sent to the veteran by registered mail. We do not believe that the advantages of acknowledgement of receipt would justify the additional expense to the Government and potential inconvenience to veterans. Our beneficiaries are regularly furnished their monthly checks and other notices by first class mail. We are unaware of any unusual problems concerning timely receipt of mail using first class mail service.

For the above reasons, the proposed regulations change is withdrawn.

Approved: October 4, 1979.

By direction of the Administrator:

John J. Leffler,

Associate Deputy Administrator.

[FR Doc. 79-31388 Filed 10-10-79; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[FRL 1334-3]

Proposed Revision to the Missouri State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: In order to satisfy the requirements of Section 110 of the Clean Air Act, the State of Missouri has submitted to the EPA a State Implementation Plan (SIP) for attainment and maintenance of National Ambient Air Quality Standards (NAAQS). Portions of the SIP have been approved by the Administrator and are now enforceable by the EPA. The State of Missouri has submitted as revisions to the SIP, two regulatory changes adopted by the Missouri Air Conservation Commission (MACC) affecting sulfur dioxide emissions from the three lead smelters located in the State of Missouri. Through this notice, the EPA proposes to approve the regulations as they apply to sulfur dioxide (SO_2) emissions from primary lead smelters owned and operated by St. Joe Lead Company in Herculaneum, Missouri; ASARCO, Incorporated, in Glover, Missouri; and AMAX Homestake Lead Tollers in Boss, Missouri. In addition, EPA proposes to redesignate the area surrounding Bixby, Missouri, under Section 107 of the ACT from nonattainment for SO_2 to attainment.

DATE: Comments must be postmarked no later than November 13, 1979.

ADDRESSES: Documents submitted by the MACC in support of the SIP revision are available at the Region VII office of the Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, and the Missouri Department of Natural Resources offices, 2010 Missouri Boulevard, Jefferson City, Missouri. A background document in support of the EPA's proposed approval is available at the Dent County Clerk's office in Salem, Missouri; the Iron County Clerk's office in Ironton, Missouri; or the Jefferson County Clerk's office in Hillsboro, Missouri. Comments should be addressed to the Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert Chanslor, Environmental Protection Agency, Region VII, (816) 758–3791

SUPPLEMENTARY INFORMATION: On January 24, 1972, pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the State of Missouri submitted to the EPA, an implementation plan for attainment and maintenance of NAAQS. The plan contained state statutes, state and local regulations, control strategies, and other information. On May 31, 1972, (37 FR 10875) the Administrator approved the Missouri SIP with specific exceptions. Since then, Missouri has submitted to the EPA, a number of revisions to the SIP, including revisions to the state legislative authority, and revisions to state and local regulations for air pollution control.

Section 110(a)(2)(B) of the Clean Air Act (42 U.S.C. 7410(a)(2)(B)) provides that a SIP, in order to be approvable must include ". . . emission limitations, schedules, and time tables for compliance with such limitations, and other such measures as may be necessary to ensure attainment and maintenance of (national Ambient Air Quality Standards). . . ." The SIP must set forth a control strategy which demonstrates that the emission limitations, and other regulatory requirements contained in the plan provide for the degree of emission reduction necessary for attainment and maintenance of such national standards, including the degree of emission reduction necessary to offset emission increases that can reasonably be expected to result from projected growth of population, industrial activity, motor vehicle traffic or other factors that may cause or contribute to increased emissions (40 CFR 51.12(a)). In areas where measured or estimated ambient levels are below the national secondary standard, the control strategy must demonstrate that the statutory and regulatory authority contained in the plan is adequate to prevent such ambient pollutant levels from exceeding the secondary standard (40 CFR 51.12(b)).

The regulatory revisions, which are the subject of this notice, were adopted by the state and submitted to the EPA on March 12, 1979, after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6. The revised regulations were submitted to the EPA by the Director, Missouri Department of Natural Resources.

On January 24, 1979, the MACC adopted amended rule 10 CSR 10–5.150, Emission of Certain Sulfur Compounds for the St. Louis Metropolitan Area. On February 21, 1979, the MACC adopted amended rule 10 CSR 10–3.100, Restriction of Emissions of Sulfur Compounds for the Outstate Missouri Area. Both revised rules amend the state ambient air standards for SO_2 to be identical to the NAAQS, and add ambient air standards for sulfur trioxide and hydrogen sulfide. The EPA is not taking any action on the proposed ambient standards. In addition, the amended rules limit emissions of SO_2 to 2,000 ppm from existing sources other than lead smelters, and 500 ppm from all new sources. Finally, the amended rules specify source specific emission limitations for each of the three existing lead smelters which reflect the smelter's existing mass emission rates and would not result in an increase in SO_2 emissions. These actions are described in the following discussions.

St. Joe Lead Co.

The St. Joe smelter, locate din the St. Louis metropolitan area, would be limited by 10 CSR 10–5.150 to emissions of 20,000 pounds of SO_2 per hour. The SIP contained a demonstration, using EPA-approved modeling techniques, that the proposed emission limit would provide for attainment and maintenance of the NAAQS in the area. Therefore, EPA proposes to approve this revision.

ASARCO, Inc.

The ASARCO, Incorporated, smelter, located in Glover, Missouri, is limited by 10 CSR 10–3.100 to emissions of 20,000 pounds per hour from the Sinter machine stack and 1,056 pounds per hour from the blast furnace stack. The company is also required to increase the height of the stack serving the blast furnace to 237 feet. That height corresponds to the EPA proposed definition of good engineering practice which was published in the **Federal Register** on January 12, 1979 (44 FR 2608). The SIP contained a demonstration, using EPA-approved modeling techniques, that the proposed emission limits, coupled with the stack height increase, would provide for attainment and maintenance of the NAAQS in the area. Therefore, EPA proposes to approve this revision.

AMAX

The AMAX smelter is located in Bixby, Missouri, which was designated as a nonattainment area pursuant to Section 107 of the Clean Air Act on March 3, 1978 (43 FR 8962). While the proposed SIP revision does not address the requirements of Part D of the Clean Air Act, it does demonstrate that the area is presently in attainment. The SIP was preceded on December 5, 1978, by a request from the state for EPA to amend its designation to reflect the results of the demonstration. Therefore, EPA proposes herein to redesignate the Bixby area to attainment for SO_2 under 40 CFR Part 81, for the following reasons:

1. The last eight quarters of ambient air quality data do not contain any violations of the NAAQS, and
2. The modeling analysis contained in the SIP, which was performed using EPA-approved techniques, demonstrates that the area is presently in attainment.

The SIP contained an emission limitation (10 CSR 10–3.100) of 8,650 pounds per hour. Since the analysis in the SIP demonstrated that this limitation would provide for attainment and maintenance of NAAQS, EPA proposes to approve the revision.

The EPA requests comments on whether the SIP revision discussed herein should be approved as meeting the requirements of sections 110(a)(2) and 123 of the Clean Air Act, and whether the designation of Bixby, Missouri, area should be amended.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and, therefore, subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA believes a comment period of less than 60 days is justified because of the limited revisions and because the revisions are not complex. I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: September 7, 1979.

Kathleen Camin,

Regional Administrator.

[FR Doc. 79-31343 Filed 10-10-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 55

[FRI 1336-2]

Federal Administrative Orders for Certain Fuel Switching Facilities; Proposed Delayed Compliance Order for New England Power Co.'s Brayton Point Generating Station

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency proposes to issue an

administrative order to New England Power Company's Brayton Point Generating Station requiring its Boilers Number 1 and 2 at Somerset, Massachusetts to achieve compliance with air pollution requirements under the Massachusetts State Implementation Plan by July 31, 1982.

DATE: Written comments must be received no later than November 12, 1979.

PUBLIC HEARING DATE: October 24, 1979.

ADDRESS: All comments should be submitted to: U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts, ATTN: Director, Air and Hazardous Materials Division.

PUBLIC HEARING LOCATION: Somerset High School Auditorium, Somerset, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Mr. Brian Hennessey, U.S. Environmental Protection Agency, Region I, John F. Kennedy Building, Boston, Massachusetts 02203, (617) 223–4448.

SUPPLEMENTARY INFORMATION: New England Power Company ("NEPCO") operates an electrical power generating station at Brayton Point, Somerset, Massachusetts. The proposed order addresses emissions from its generating units 1 and 2, which are subject to Regulations 7.05(4), 7.06, and 7.17 of the Massachusetts Regulations for the Control of Air Pollution in the Southeastern Massachusetts Air Pollution Control District, 310 CMR 7.05(4), 7.06, 7.17. These Regulations govern emission of particulates, coal ash content and visible emissions respectively, and are part of the federally approved State Implementation Plan.

EPA proposes to issue an order under Section 113(d)(5) of the Clean Air Act, 42 U.S.C. 7413 ("Act"), requiring NEPCO to meet certain emission limitations, fuel specifications and other conditions, while burning coal in units 1 and 2 of the Brayton Point Generating Station, pursuant to an order issued under the Energy Supply and Environmental Coordination Act of 1974 ("ESECA"). The order prohibits the burning of oil or natural gas in these units. The order would require NEPCO to install pollution control equipment according to the schedule set forth below and also will contain enforceable interim pollution control measures, specify emission limitation and coal pollutant characteristics, and require monitoring and reporting of air quality and air pollutant emissions data.

If the order is issued by EPA, it would insulate the source from further federal enforcement action under Section 113 of the Act and from citizen enforcement action under Section 304 of the Act for violations of the SIP provisions suspended by the order during the period the order is in effect and the source is complying with its terms. The order would also exempt the source from payment of noncompliance penalties pursuant to Section 120(a)(B) of the Act upon satisfaction of certain procedural requirements.

In a separate notice EPA is proposing to approve a rebuttal of the regional limitation submitted by NEPCO on September 19, 1979. Only if EPA's proposed action regarding the regional limitation is finalized will units 1 and 2 of the Brayton Point Generating Station be eligible for a DCO.

The Clean Air Act Amendments of 1977 ("the Amendments") have changed the authority of the Administrator to issue extensions of compliance dates to sources which receive orders from the Department of Energy prohibiting the use of oil or gas as a primary energy source under Section 2(a) of ESECA. Such extensions were issued under Section 119 of the Clean Air Act ("the Act") as in effect prior to the Amendments, and regulations implementing Section 119 codified under 40 CFR Part 55. Section 112 of the Amendments repealed Section 119 and added a new Section 113(d) which provides for the issuance of extensions to all sources generally and to prohibited sources specifically [113(d)(5)]. Regulations promulgated in 40 CFR Part 55 under the authority of Section 119 are being revised to reflect this statutory change, and any extensions granted under the new authority of 113(d)(5) will be promulgated in Part 55.

The Amendments of 1977 have changed the ESECA program in four major respects. These changes are:

(1) Sources able to comply with the applicable State Implementation Plan by December 31, 1985 may be eligible for an extension as opposed to the previous date of January 1, 1979;

(2) Extensions are to be provided for via Section 113(d)(5), Delayed compliance Orders, rather than Section 119, compliance Date Extensions;

(3) The regional limitation of old Section 119(c)(2)(D) has been made a rebuttable presumption by the new Section 113(d)(5)(D); and

(4) Written consent of the Governor of the appropriate State must be obtained on any date EPA proposes to certify to the Department of Energy as the earliest date a prohibited source can convert to coal in compliance with applicable air pollution requirements.

Therefore, if the subject order is issued by EPA, 40 CFR Part 55 would be amended based upon the actual term of Order No. 72–3–170 appearing below:

U.S. Environmental Protection Agency

Region I

Order No. 73–3–170

In the matter of: Units 1 and 2 of the New England Power Company's Brayton Point Generating Station.

This Order is issued pursuant to subsection 113(d)(5) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) (the Act). This Order includes emission limitations and fuel specifications, interim requirements, monitoring and reporting requirements, and a compliance schedule as required by this subsection of the Act. Pursuant to subsection 113(d)(1) of the Act, a copy of this Order has been provided to the Governor of the Commonwealth of Massachusetts, and public notice and a hearing on its contents have also both been provided.

Findings

On June 30, 1977 the Department of Energy (DOE) issued a Prohibition Order to the Brayton Point Generating Station of the New England Power Company (NEPCO) pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 792 (Supp. V, 1975), as implemented by 10 CFR Parts 303 and 305 (1976), as amended, 42 **Federal Register** 23132 (1977). This Prohibition Order applied to units 1, 2, and 3 of NEPCO's Brayton Point Generating Station and pursuant to it, Brayton Point units 1 and 2 (the source) would be prohibited from burning natural gas or petroleum products upon receipt by NEPCO of a Notice of Effectiveness from the DOE. These two sources presently burn, and on June 30, 1977, burned residual fuel oil, a petroleum product, and if converted to coal could not presently comply with all applicable air pollution requirements of the Southeastern Massachusetts Air Pollution Control District (SEMAPCD).

Only July 18, 1979 NEPCO requested that the United States Environmental Protection Agency (EPA) issue an order under Subsection 113(d)(5) of the Act. NEPCO's requested order would relax SEMAPGD regulations on particulate emissions from coal burning (SEMAPCD Regulation 7.17), on the ash limitation of solid fossil fuels [SEMAPCD Regulation 7.05(4)], and on opacity (SEMAPCD Regulaton 7.06). While SEMAPCD Regulation 7.17 would be relaxed for coal burning particulate emissions, it will continue to apply insofar as it limits sulfur dioxide emissions from coal burning by the sources. National primary annual ambient air quality standards for suspended particulates are violated in Providence, Rhode Island which, like the sources, is located in the Metropolitan Providence Interstate Air Quality Control Region. Pursuant to paragraph 113(d)(5)(D) of the Act, the Administrator cannot issue the requested order unless, after suitable notice and a public hearing, it can be concluded that particulate emission in excess of those allowed by applicable state air pollution

regulations will affect the Providence non-attainment area only infrequently, will have insignificant air impacts there, and will not with any reasonable statistical assurance cause or contribute to particulate concentrations in excess of primary standards. The Administrator has determined that such a rebuttal has been made. Comments on this rebuttal can also be made at the scheduled public hearing.

After a thorough investigation of the information obtained from all sources, the Administrator of EPA has determined that the emission limitations, coal pollution characteristics, and other enforceable measures contained in the Order below, satisfy the requirements of paragraph (d)(5)(B) of the Act. Further, pursuant to paragraph 113(d)(5)(B), the Administrator has determined that compliance with the requirements of this Order will assure that, during the period of the Order before final compliance is achieved, the burning of coal by the sources will not result in emissions which will cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant.

Pursuant to subsection 113(d)(6) of the Act, the Administrator has determined that the schedule for compliance set forth below is expeditious.

Finally, pursuant to subsection 113(d)(7) of the Act, the Administrator has determined that the Order provides that the sources shall use the best practicable system or systems of continuous emission reduction, taking into account the requirement with which they must ultimately comply, during the period of said Order. The sources shall also be required to comply with interim requirements, set forth in said Order, and determined to be necessary to comply with the applicable requirements of the SEMAPCD insofar as the Administrator has determined that the source is able to do so.

Pursuant to subsection 113(d)(5) of the Act, the Administrator has determined that the sources cannot achieve final compliance with the requirements set forth in this Order prior to December 31, 1980. The Administrator, therefore, may issue an additional order to provide time to come into compliance with the applicable air pollution requirements which is determined to be expeditious, but in no event later than December 31, 1985.

Therefore, it is hereby Ordered that:

(1) The sources shall comply with the following Primary Standard Conditions which will assure that particulate emissions from coal burning do not cause or contribute to violations of the national primary ambient air quality standards for suspended particulates.

(a) Coal burning particulate emissions (denoted by R in units of $\#/10^6$ Btu heat input) as measured by EPA reference test methods shall not exceed the limits given by the following formulas, dependent on coal sulfur (S) and ash (A) percentages by weight (dry basis) and rounded off to the nearest 0.1% at the time of stack testing:

(i) For $S < 0.8\%$

$R = 0.0591 \times A$

(ii) For $0.8\% \leq S < 1.0\%$

$R = 0.0341 \times A$

(iii) For $1.0\% \leq S < 1.3\%$

$R = 0.0281 \times A$

(iv) For $1.3\% \leq S$

$R = 0.0215 \times A$

(v) Provided that particulate emissions from coal burning shall at no time exceed 0.90 $\#/10^6$ Btu.

(b) The coal burned under this order shall consist of:

(i) Coal supplies on the premises of the Brayton Point Generating Station as of 1 October 1979 (existing coal), and

(ii) Such new shipments of coal as NEPCO procures for use at the Brayton Point Generating Station (new coal) provided that all cargoes of new coal comply with state regulations on sulfur content and that no such cargo have an average ash content equal to or in excess of 10% by weight.

(2) The sources shall attain compliance with Regulations 7.05(4), 7.06, and 7.17 (for particulates) of the Southeastern Massachusetts Air Pollution Control District (SEMAPCD) no later than the dates specified in the following compliance schedules:

Unit 1	Unit 2	Increment of progress
Oct. 1, 1979....	Oct. 1, 1979..	Enter into contracts for additional or modified electrostatic precipitators.
Oct. 15, 1979..	Oct. 15, 1979	Submit for approval to the Director of the EPA Region I Enforcement Division (the Director) contracts for additional or modified electrostatic precipitators and other equipment necessary for coal burning in compliance with SEMAPCD Regulations.
Aug. 1, 1980...	Aug. 1, 1980..	Revert to residual oil firing for the purposes of refurbishing coal handling equipment.
Nov. 1, 1980...	Nov. 1, 1980..	For cause and with the written consent of the Director revert to residual oil firing for the purposes of refurbishing coal handling equipment.
July 1, 1981....	Nov. 1, 1980..	Initiate on-site construction or installation of electrostatic precipitators.
June 30, 1982	Dec. 31, 1981	Complete on-site construction or installation of electrostatic precipitators.
July 31, 1982..	Jan. 31, 1982	Demonstrate compliance with SEMAPCD Regulations 7.05(4), 7.06, and 7.17.

Notwithstanding the above, not later than 90 days after recommencing coal burning, NEPCO must submit emission tests performed in accordance with 40 CFR Part 60 demonstrating compliance with SEMAPCD Regulations 7.05(4), 7.06, and 7.17. (3) The sources shall comply with the following Interim Requirements which will asure compliance with SEMAPCD Regulations to the fullest extent reasonable and practicable. These Interim Requirements shall additionally avoid any imminent and substantial endangerment to the public health:

(a) Within sixty (60) days of initial coal burning in each unit under this order, NEPCO shall use particulate emission tests, conducted using methods and under conditions approved by EPA, to set opacity limits in accordance with the procedures of 40 CFR 60.11(e). If no opacity limnitation has been specifically set for coal burning in each of the units within this sixty day period, SEMAPCD Regulation 7.06 shall apply. EPA may, on its own initiative, require that NEPCO perform additional particulate emission testing for the purpose of revising such opacity limits to reflect changing operating conditions or burning of new coal. Any coal burning opacity limitation applicable to the sources shall be enforced by the Director under this Order.

(b) Within thirty (30) days of the date of effectiveness of this Order, NEPCO shall submit for approval a procedure acceptable to the Director for quantifying the contribution to ambient air quality and environmental samples of coal burning particulate emissions by the sources. This shall be based upon the chemical and physical characteristics of such ambient samples and of samples from particulate emission tests. Within sixty (60) days of the date of effectiveness of this Order and thereafter for its duration while the sources burn coal, NEPCO shall use this procedure to report to the Director on the contribution of coal burning particulate emissios to ambient air quality and environmental samples selected by EPA.

(c) NEPCO shall provide the Director with seven (7) days prior written notice of the date on which each of the sources shall go off line in order to start coal burning under this Order. NEPCO shall also allow EPA to inspect the operating condition of particulate emission controls on the Ordered sources both immediately after the units go off line and immediately before initial coal firing under this Order.

(d) Within fifteen (15) days of the date of effectiveness of this Order, NEPCO shall submit a report to the Director detailing the costs, earliest dates for opration and potential effectiveness of methods of methods of emission reduction specified by the Director to include, as a minimum, flue gas conditioning and precipitator flyash level alarms, on the sources. After a review of this report the Director may set a schedule under which either or both systems for minimizing particulare emissions will be installed and operated on the sources. Any such schedule to be enforceable under this Order.

(4) The sources shall comply with the following Monitoring and Reporting Requirements which will assure that primary standard conditions and interim requirements are met throughout the duration of this Order:

(a) NEPCO shall perform ultimate and proximate analyses on all cargoes of new coal off-loaded to the Brayton Point Generating Station. These analyses shall be conducted using sampling and analysis methods proposed in writing, to, and approved and/or revised by the Director. For each such cargo NEPCO shall maintain records of the cargo size and the results of coal analyses.

(b) NEPCO shall continuously monitor and record emissions from the Ordered sources using methods and in a manner specified by the Director. Within fifteen (15) days of the date of effectiveness of this Order, NEPCO shall submit to the Director a plan to implement such continuous emission monitoring which, as a minimum shall comply with the requirements of 40 CFR 51 Appendix P.

(c) Within thirty (30) days of initial coal burning of each source under this Order, NEPCO shall perform particulate emission tests using the reference methods of 40 CFR 60 under conditions and in a fashion approved by the Director in writing 30 days in advance of the tests. Within fifteen (15) days of the completion of such tests, NEPCO shall submit to the Director a full test report, detailing fuel analyses, operating level, dust collector status, opacity readings, chemical analyses of particulate emission samples, particulate emission rates, and other data pertinent to the test. The Director may require additional emission tests for the purpose of setting or revising opacity limits applicable under this Order and shall require a second set of particulate emission tests on each source when it begins burning new coal. NEPCO shall, therefore, notify the Director in writing within fifteen (15) days of the date when each of the Ordered sources starts burning new coal.

(d) NEPCO shall monitor and record ambient concentrations of suspended particulate and sulfur dioxide every day of the duration of this Order at a minimum of four (4) sites. Ambient air monitoring methods and site locations must be proposed in writing for approval by the Director within fifteen (15) days of the date of effectiveness of this Order. The Director may make any necessary revisions to this monitoring plan and any such plan shall be applicable to the sources and enforceable under this Order.

(e) Reports of coal cargo shipment sizes and analyses, ambient air quality, and excess emissions shall be submitted to the Director within fifteen (15) days of the close of the applicable month in a format approved and/or revised by the Director.

(5) All federal, state, and local air pollution requirements applicable to the sources and not specifically relaxed or suspended by this Order remain in effect.

(6) Violation of any requirement of this Order shall result in one or more of the following actions:

(a) Enforcement of such requirement pursuant to subsection 113 (a), (b), or (c) of the Act, including possible judicial action for an injunction and/or penalties and in appropriate cases, criminal prosecution.

(b) Revocation of this Order, after notice and opportunity for a public hearing, and subsequent enforcement of SEMAPCD Regulations 7.05(4), 7.06, and 7.17.

(c) If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to Section 120 of the Act.

(7) This Order is effective upon promulgation in the Federal Register.

[Authority 42 U.S.C. 7413]

Dated: October 2, 1979.

William R. Adams, Jr.,

Regional Administrator, Region I.

[FR Doc. 79-31386 Filed 10-10-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 79-260; RM-3372]

Table Assignment Class A FM Channel, to Coffeyville, Kans.

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Coffeyville, Kansas. It also deletes a Class A FM channel from Coffeyville, and reassigns it to Nowata, Oklahoma, to reflect the fact that it is already being used there.

DATES: Comments must be filed on or before November 30, 1979. Reply comments must be filed on or before December 20, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: October 1, 1979.

Released: October 3, 1979.

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (Coffeyville, Kansas, and Nowata, Oklahoma), BC Docket No. 79-260, RM-3372.

1. *Petitioner, Proposal, Comments*—(a) *Notice of Proposed Rule Making* is hereby issued concerning the amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules) with respect to Coffeyville, Kansas, and Nowata, Oklahoma.

(b) A petition for rule making [1] was filed by Montgomery County Broadcasters ("petitioner") proposing the assignment of Channel 221A to Coffeyville, Kansas. It is also suggested that Channel 232A, assigned at Coffeyville but used at Nowata, Oklahoma, pursuant to § 73.203(b) of the Commission's rules [2], be reassigned to Nowata, Oklahoma, to reflect its current use. A statement in support of the proposed Coffeyville assignment was filed by Midwest Broadcasting Company, Inc., licensee of AM Station KGGF, Coffeyville.

(c) Petitioner states that it will apply for the channel, if assigned to Coffeyville.

2. *Community Data.*—(a) *Location.* Coffeyville, in Montgomery County, is located in southeastern Kansas, approximately 97 kilometers (60 miles) north of Tulsa, Oklahoma.

(b) *Population.* Coffeyville—15,116; Montgomery County—39,949.[3]

(c) *Present Local Aural Service.* Local service to Coffeyville is provided by fulltime AM Station KGGF.

3. Petitioner asserts that Coffeyville and Montgomery County are primarily known as an agricultural area. It states that Montgomery County is located in one of the most active and violent tornado belts in the United States and claims that the AM radio service available in Coffeyville would be severely affected by static interference during tornado activity. It adds that the proposed FM assignment could provide static free service particularly at that time. Petitioner asserts that emphasis of public service in the unserved FM areas of Montgomery County could give the public a whole new source of community information and a voice for their particular problems.

4. In view of the apparent need for a first FM assignment in Coffeyville, the Commission believes it would be in the public interest to propose the assignment of Channel 221A to that community. We also propose to reassign Channel 232A from Coffeyville to Nowata, Oklahoma, to reflect its current usage.

5. Accordingly, it is proposed to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules) with regard to the communities listed below:

City	Channel No.	
	Present	Proposed
Coffeyville, Kansas	232A	221A
Nowata, Oklahoma	.....	232A

6. The Commission's 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.

7. Interest parties may file comments on or before November 30, 1979, and

[1] Public Notice of the petition was given on May 4, 1979 (Rept. No. 1176).

[2] Channel 232A was first used at Nowata (22 miles from Coffeyville) in 1966. At that time, § 73.203(b) of the Commission's rules permitted the use of an assignment at communities as much as 25 miles away. The section has since been amended to restrict the use of Class A channels to communities within 10 miles.

[3] Population figures are taken from the 1970 U.S. Census.

reply comments on or before December 20, 1979.

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 rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Richard J. Shiben,

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, § 74.202(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. 79-31371 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 79-261; RM-3412]

FM Broadcast Station in Warrensburg, Mo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Warrensburg, Missouri. The proposal was made in a petition filed by Big Country of Missouri, Inc., which states that the proposed station could be used to provide a first FM commercial broadcast service to the community.

DATES: Comments must be filed on or before December 3, 1979, and reply comments must be filed on or before December 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: October 3, 1979.

Released: October 9, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Warrensburg, Missouri, BC Docket No. 79-261, RM-3412.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making[1] was filed by Big Country of Missouri, Inc. ("petitioner"), proposing the assignment of Class A FM Channel 288A to Warrensburg, Missouri, as its first commercial FM assignment. No responses to the petition were received.

(b) Channel 288A could be assigned to Warrensburg in compliance with the minimum distance separation requirements provided the transmitted site is located approximately 4.8 kilometers (3 miles) northeast of the community.

(c) Petitioner indicates that if the channel is assigned it intends to file an application to build and operate an FM station.

2. *Community Data.*—(a) *Location.* Warrensburg, seat of Johnson County, is located approximately 80 kilometers (50 miles) southeast of Kansas City, Missouri.

(b) *Population.* Warrensburg—13,125; Johnson County—34,172.[2]

(c) *Local Aural Broadcast Service.* Warrensburg is served locally by fulltime AM Station KOKO and noncommercial educational Station KCMW (Channel 215).

3. Petitioner claims that Warrensburg has had a 36% population increase between 1960-1970. It asserts that the economic base of Warrensburg and Johnson County is a combination of agriculture, manufacturing and education. Petitioner has submitted detailed demographic data and a profile of the local economy in order to show the need for the assignment of a first FM commercial channel to Warrensburg.

4. In light of the above information and the fact that the proposed FM channel assignment, if granted, would provide Warrensburg with its first local FM commercial broadcast service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, with regard to Warrensburg, Missouri, as follows:

City	Channel No.	
	Present	Proposed
Warrensburg, Missouri	.....	288A

5. Authority to institute rule making proceedings, showing 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.

6. Interested parties may file comments on or before December 3,

[1] Public Notice of the petition was given on August 3, 1979, Report No. 1187.

[2] Population figures are taken from the 1970 U.S. Census.

1979, and reply comments on or before December 26, 1979.

7. 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 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.

Richard J. Shiben,

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, set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing 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 rule.)

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 by 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 Streets, NW., Washington, D.C.

[FR Doc. 79-31370 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 79-176; RM-3171; RM-3387]

Television Broadcast Stations in Riverside, and Santa Ana, Calif.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding concerning proposed television channel assignments to Santa Ana, and Riverside, California.

DATE: Reply comments must be filed on or before October 22, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: October 2, 1979.

Released: October 3, 1979.

In the matter of amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations. (Riverside, and Santa Ana, California), BC Docket No. 79-176, RM-3171, RM-3387.

1. The Commission has before it a request for extension of time for filing reply comments regarding the *Notice of Proposed Rule Making* in the above-entitled proceeding, 44 Fed. Reg. 44194. The present date for filing reply comments is October 6, 1979.

2. The request was filed by counsel for Saddleback Broadcasting Company, Inc., applicant for a television station on Channel 40 at Santa Ana, California, to extend the date for filing reply comments to and including October 22, 1979.

3. Counsel states that a counterproposal has been filed advocating a reassignment of Channel 40 (for which it has applied) from Santa Ana to Riverside, California. He notes that the filings consist of voluminous material and asserts that additional time is needed to study the material in order to make a proper response.

4. We are of the view that the additional time is warranted in order to assure development of a sound and comprehensive record on which to base a decision in this proceeding.

5. Accordingly, it is ordered, that the date for filing reply comments in BC Docket No. 79-176 is extended to and including October 22, 1979.

6. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-31422 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 79-256; RM-3118; FCC 79-611]

FM Broadcast Station in Lockhart, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This action proposes to assign FM Channel 234 to Lockhart, Texas, as its first assignment. The proposal would provide a substantial first and second FM service. A previous grant of temporary authority to a Houston FM station for a transmitter site relocation conflicts with the proposal herein. However, that grant does not present an obstacle to our consideration of the Lockhart assignment.

DATES: Comments must be filed on or before November 28, 1979, and reply comments on or before December 18, 1979.

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

FOR FURTHER INFORMATION CONTACT:
Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: September 27, 1979.

Released: October 5, 1979.

By the Commission: Commissioner Lee absent.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Lockhart, Texas), BC Docket No. 79-256, RM-3118.

1. The Commission here considers a petition for rule making, filed on behalf of D. Garry Munson and John Charles Larsh ("petitioners"),[1] to assign Channel 234 to Lockhart, Texas, as its first FM channel assignment. Supporting comments were received from Hicks Communications, Inc.

2. Lockhart (pop. 6,489),[2] seat of Caldwell County (pop. 21,178), is located approximately 32 kilometers (20 miles) south of Austin, Texas, and 222 kilometers (140 miles) west of Houston, Texas. Lockhart is served by daytime-only AM Station KCLT (1060 kHz).

3. Petitioners state that Lockhart is the center of economic, social and governmental activity in Caldwell County and has enjoyed a 20.2 percent growth rate to 7,800 persons since 1970, from data provided by the Lockhart Chamber of Commerce. They note that the proposed channel would provide a first local nighttime aural service to Lockhart and Caldwell County and that its proposed station would also serve Bastrop and Blanco Counties which presently have no local aural service. Petitioners recognize that a 25 kilometer (15.6 mile) site restriction to the northwest of Lockhart would be required to comply with the Commission's spacing requirements, and they indicate that their proposed site will conform to the restrictions. Petitioners state that they will locate their studio in Lockhart to comply with Section 73.210(a) of the Commission's Rules. In support of the Class C proposal, petitioners state that a first FM service would be offered to (approximate figures) 1,900 persons in a 150 square kilometer (58 square mile) area and a second FM service to 3,100 persons in a 300 square kilometer (116 square mile) area, assuming proposed facilities of 100 kW effective radiated power and an antenna height of 259 meters (850 feet) above average terrain. Petitioners also demonstrate that no significant preclusion would result from the proposed assignment.

4. Supporting comments were submitted by Hicks Communications, Inc., in which it indicates that it also wished to apply for the proposed Lockhart channel.

5. In a related proceeding, Station KLEF(FM), (Channel 233), Houston, Texas, has been granted, by Commission action of July 12, 1979, special temporary authority for a site relocation that results in a short-spacing of 13.07 kilometers (8.17 miles) to the proposed Lockhart assignment.[3] However, the Commission specifically indicated that the purpose of the grant was to provide an immediate and temporary means for Station KLEF to provide uninterrupted service and that the instant rule making proceeding would not be prejudiced thereby. Thus, the short-spacing that results from the site relocation for Station KLEF does not present an obstacle to our consideration of the assignment of Channel 234 to Lockhart herein.

6. Although Lockhart is not of the size that would normally qualify it for a large coverage area Class C channel, petitioners' showing of substantial areas that would receive first or second FM service prompts us to issue a *Notice of Proposed Rule Making* and solicit comments on the proposed assignment of Channel 234 to Lockhart. The provision of a first or second FM service is a high priority in FM assignment proceedings which outweighs our policy of reserving Class C channels for larger communities.[4] Since petitioners' showing was based on the use of proposed facilities of larger power and height than is typically required for a *Roanoke Rapids* showing, we would require the use of the larger facilities in applying for the Lockhart channel. This proposed assignment would also provide for a first local aural nighttime outlet for Lockhart and Caldwell County.

7. Since Lockhart is located within 320 kilometers (199 miles) of the U.S.-Mexico border, the proposed assignment requires the concurrence of the Mexican Government.

8. Accordingly, we propose to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to the community listed below:

City	Channel No.	
	Present	Proposed
Lockhart, Texas		234

9. 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.

10. Interested parties may file comments on or before November 28, 1979, and reply comments on or before December 18, 1979.

11. For further information concerning his 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.

William J. Tricarico,

Secretary.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(l), 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, Section 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 ot 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

[1] Public Notice of the petition was given on June 7, 1978, Report No. 1125.

[2] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

[3] Station KLEF(FM) also submitted a request for permanent relocation to this site which is pending the outcome of this rule making. (File No. BPH-790209AE.)

[4] See *Marco, Fla.,* 54 F.C.C. 2d 886 (1975); *Yermo and Mountain Pass, Cal.,* Docket No. 78-129, 44 FR 4486 (1979).

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, N.W., Washington, D.C.

[FR Doc. 79-31423 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 76

[Docket No. 20019; Docket No. 20022; Docket No. 20023; FCC 79-600]

Termination of Three Cable Television Proceedings Concerning Expansion and Clarification of the Cable Television Franchise Standards

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rulemaking (termination of Docket 20019, 20022, and 20023).

SUMMARY: Commission terminates proceedings in which it had been proposed to define more specifically the requirement that cable television franchises be granted only through due process public proceedings, to adopt rules relating to franchise expirations, cancellations, and continuation of service, and to adopt rules relating to the transfer or assignment of cable television franchises. Proceedings were terminated on the grounds that the underlying franchise standards had already been deleted in Docket 21002 and on the grounds that local authorities could adequately deal with these matters without the need for Commission rules.

DATES: Non-Applicable.

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

FOR FURTHER INFORMATION CONTACT: William H. Johnson (202) 632-6468.

SUPPLEMENTARY INFORMATION:

Report and Order

Adopted: September 27, 1979.

Released: October 5, 1979.

By the Commission: Commissioner Lee absent; Commissioner Washburn dissenting with regard to due process and approving in all other respects.

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to an inquiry on the need for additional rules in the area of public proceedings and qualifications for franchisees—§ 76.31(a)(1), Docket No. 20019; amendment of Part 76 of the Commission's rules and regulations relative to an inquiry on the advisability of adding specific rules to § 76.31(a)(3) regarding franchise expiration, cancellation and continuation of service, Docket No. 20022, amendment of Part 76 of the Commission's rules and regulations relative to an inquiry on the need for new regulations in the area of transfers of control of cable television franchises, Docket No. 20023.

1. In its *Clarification of Rules and Notice of Proposed Rulemaking in Docket 20018-20024*,[1] the Commission commenced seven rule making proceedings relating to what was then known as the cable television franchise standards. The Commission's rules at that time provided that no cable television system could commence operation unless it held a franchise or other authorization from the appropriate state or local government which complied with certain standards specified in § 76.31 of the Commission's rules.[2]

2. Of these seven proceedings, three remain pending.[3] Section 76.31(a)(1) of the rules required in substance that the franchise be granted "as part of a full public proceeding affording due process." In Docket 20019, the Commission sought comment on whether the Commission should articulate minimum due process standards to give greater specificity to this rule.[4] The franchise standards did not contain any requirement relating to the expiration or termination of franchise agreement. In Docket 20022, the Commission sought comment on whether every franchise should be required to contain provisions relating to expiration, cancellation and continuation of service." [5] the standards also did not require that franchises contain provisions relating to ownership changes and transfers of franchise holders. In Docket 20023 the Commission sought comment on the need for a franchise standard relating to this subject.[6]

3. In the time since these proceedings were commenced there has been a major change in the direction of the Commission's cable television policies. In Docket 21002 the Commission deleted all of the franchise standards formerly found in § 76.31(a) of the rules.[7] Two of the matters which remain pending, a further definition of the due process requirement (Docket 20019) and the requirement of a provision relating to ownership transfers (Docket 20023), can, we believe, be resolved on the same basis as our decision generally deleting the franchise standards. That is, we now believe that there is no conflict between federal and local objectives in this area which would require mandatory Federal standards, that the greater availability of information concerning cable television will result in less need for federal requirements, and that these requirements impose administrative and other burdens on the Commission, local governments and cable television system operators which are not counterbalanced by clear benefits to cable consumers. These considerations

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[1] 46 FCC 2d 175, 39 FR 14286 (1974).

[2] The standards, at the time these proceedings were commenced, required: (1) That each franchise be granted in a full public proceeding affording due process, (2) that significant construction be undertaken within one year and a construction schedule specified, (3) that the franchise be for no more than 15 years, (4) that a rate schedule be specified and not subject to change unless approved in a public proceeding affording due process, (5) that complaint procedures be specified, and (6) that provision be made for incorporating changes in Commission rules into franchise agreements.

[3] The already terminated proceedings related to technical standards, *Report and Order in Docket 20018*, 49 FCC 2d 470 (1974); line extensions, *Report and Order in Docket 20020*, 50 FCC 2d 61 (1974); franchise duration, *Report and Order in Docket 20021*, 50 FCC 2d 761 (1976); and subscriber complaint procedures, *Report and Order in Docket 20024* 50 FCC 2d 43 (1974).

[4] *Clarification*, supra at 190-192.

[5] *Id.* at 198.

[6] *Id.* at 196-199.

[7] *Report and Order in Docket 21002*, 68 FCC 2d 380 (1977), *reconsideration denied*, FCC 79-228, ——— FCC 2d. ——— (1979), *appeals pending, Louis Brown v. FCC*, Case No. 77-1064 (D.C. Cir., filed January 19, 1977); *Focus Cable of Oakland v. FCC*, Case No. 77-3459 (9th Cir., filed November 21, 1977).

are all applicable to the matters on which comments was sought in Docket 20019 and Docket 20023, and they will accordingly be terminated without the adoption of further rules.

4. These considerations are also largely applicable to the matters on which comment was sought in Docket 20022. Here, however, those commenting have made an effort to persuade use that there are additional matters warranting the adoption of new Federal rules. Specifically, it is urged that the failure of local franchise agreements to provide procedures that assure continued service to the public when a franchise agreement is not renewed or is terminated for cause will deprive the public of access to television and specifically cable television service in a manner inconsistent with federal policies and objectives. Additionally, it is urged that the lack of any legitimate renewal expectancy will inhibit capital investment and cause other disruptions and interruptions of service. Suggestions as to what action should be taken with respect to these issues range from the establishment of better means of communication between the Commission and franchise authorities to a federal requirement that no franchise be terminated or not renewed except following a full public proceeding affording due process. Many parties, including most of the cable television interests represented, suggested that there be established in each franchise a predetermined formula for fair compensation in the case of franchise non-renewal or cancellation.

5. The comments submitted make a persuasive case that the issues of how cable television franchise renewals should be treated and what provision should be made for franchise termination are matters of considerable importance and complexity. We are not persuaded, however, that matters of overriding federal interest are involved. First, it is not clear that there is a single national solution available to resolve the problem. And second, we do not perceive that a federal response to this problem is necessary. We recognize that there may well be difficulties when these situations arise at the local level. We have no evidence, however, that these difficulties will not be resolvable at the local level, that there will be significant losses of service to subscribers, or that the possibility of appeal to the Commission for resolution of these problems would not exacerbate rather than assist in resolving them. In sum, we believe that the policy decision made when the franchise standards of § 76.31(a) were deleted is equally applicable to this proposal and that this proceeding should also be terminated without the adoption of further rules.

Accordingly, it is ordered, that the proceedings in Dockets 20019, 20022, and 20023 are terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-31473 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 110 through 189

Public Meeting on Polyethylene Packagings

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of public meeting and request for comment.

SUMMARY: A second public meeting will be held to solicit comments and hold a discussion on the feasibility of establishing standards for polyethylene used in packagings for hazardous materials.

DATES: The meeting will be held on November 13, 1979, at 9:15 a.m. Written comments should be received no later than January 12, 1980.

ADDRESSES: The meeting will be held in Room 2230, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Written comments should be submitted to Dockets Branch, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT: Mario Gigliotti, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, (202) 755-4906.

SUPPLEMENTARY INFORMATION: On July 24, 1979, the Materials Transportation Bureau (MTB) held a public meeting to solicit views and comments on the standards that should be considered by the MTB relative to the use of polyethylene packagings for hazardous materials. While most participants agreed that the meeting was constructive and beneficial, it was decided that a second meeting should be held to pursue the subject in further detail. The MTB wishes to emphasize that its principal interest in this matter is the development of appropriate regulations pertaining to the use of polyethylene packagings, not the design specifications for the manufacture of such packagings.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-31345 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-60-M

49 CFR Parts 172 and 173

[Docket No. HM-159; Notice No. 79-12]

Forbidden Materials

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Extension of time to file comments.

SUMMARY: On July 26, 1979, the Materials Transportation Bureau (MTB) published a notice of proposed rulemaking under Docket HM-159, Notice 79-12 [44 FR 43861] which proposes to add the names of certain materials to the Hazardous Materials Table, § 172.101, that the MTB considers to be too hazardous to be permitted in commercial transportation. In addition, the notice proposes certain changes to §§ 173.21 and 173.51 pertaining to forbidden materials and their packaging.

DATE: The time for filing comments is extended from October 18, 1979, to November 19, 1979.

FOR FURTHER INFORMATION CONTACT: Delmer F. Billings, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION: Two petitioners, Chemical Specialties Manufacturers Association (CSMA) and the Chemical Manufacturers Association, have requested an extension of the comment period on Docket HM-159, Notice 79-12, in order to properly evaluate the proposed rules. The petitioners stated that the response deadline of October 18, 1979, was too constructive due to the fact that this comment period deadline on Docket HM-159 is shared with comment period deadlines on Dockets HM-126A and HM-171. CSMA also stated that the schedules of task force members of the Association are such that a circulation of comments to be submitted to the docket would be difficult to accomplish in a timely manner. The MTB considers this request to be reasonable and, therefore, an extension of the comment period is justified.

AUTHORITY: 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A. to Part 1, and paragraph [a][4] of App. A. Part 106.

Issued in Washington, D.C. on October 2, 1979.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 79-31346 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-60-M

Notices

Federal Register
Vol. 44, No. 198
Thursday, October 11, 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

Forest Service

Chequamegon National Forest Proposed Land and Resource Management Plan (Bayfield, Ashland, Price, Sawyer, Vilas, and Taylor Counties, Wis.); 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 a Land and Resource Management Plan for the Chequamegon National Forest in Wisconsin.

The plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. It will propose management direction for the natural and human resources on the Chequamegon National Forest.

The planning process will begin with identification of public issues, management concerns, and resource use and development opportunities. Planning criteria will be developed, and data will be collected and analyzed to determine how the identified issues and concerns can be resolved. An assessment of the capability of the land to produce resource outputs, and a determination of the public's future demands for these outputs will be made. Methods for resolving the identified public issues will be developed from this information, and will be used to formulate alternatives.

Alternatives will display a range of resource outputs at several expenditure levels. Each alternative will represent a cost-effective combination of management practices which can best meet the objectives of the alternative. In addition, each identified major public issue will be addressed; each alternative will specify methods to restore renewable resources; and a no-change alternative will be included.

A preferred alternative will be selected by ranking the alternatives according to their physical, biological, social, and economic effects, and will include the best combination of resource uses on the Forest. It will also provide for a continuous monitoring and evaluation process. A draft environmental impact statement will be released around December 1981. The final Land and Resource Management Plan will be published in a final environmental impact statement and will be released a few months later.

The planning process will include public participation activities. Information will be provided to the public through media releases, a published newsletter and brochure, and public meetings as needed. Public comment periods will be established for review and comment.

Steve Yurich, Regional Forester of the Eastern Region, is the responsible official and John C. Wolter, Forest Supervisor of the Chequamegon National Forest is the person in charge of the project.

Comments or questions on this Notice of Intent or the planning process should be addressed to Forest Supervisor, Chequamegon National Forest, Park Falls, Wisconsin 54552.

October 1, 1979.

James H. Freeman,

Director, Planning, Programming and Budgeting.

[FR Doc. 79-31348 Filed 10-10-79; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 79-10-24; Docket 36791]

Anchorage-Honolulu Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-10-24, Anchorage-Honolulu Show-Cause Proceeding Docket 36791.

SUMMARY: The Board is proposing to grant Anchorage-Honolulu nonstop authority to Northwest Airlines (Docket 36107), and any other fit, willing and able applicants, the fitness of which can be established by officially noticeable material. The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by November 8, 1979, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

ADDRESSES: Objections to issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C., 20428, in Docket 36791, which we have entitled the *Anchorage-Honolulu Show-Cause Proceeding.*

In addition, copies of such filings should be served on Northwest Airlines, Mayors of Anchorage and Honolulu; Alaska Aviation Authority; Hawaiian Aviation Authority; Airport Manager, Anchorage International Airport; and the Airport Manager, Honolulu International Airport.

FOR FURTHER INFORMATION CONTACT: Richard E. Clusman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., 20428 (202) 673-5216.

SUPPLEMENTARY INFORMATION: The complete text of Order 79-10-24 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-10-24 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 4, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-31386 Filed 10-10-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-10-23; Docket 36790]

Atlanta-Rochester, N.Y., Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

Atlanta-Rochester, N.Y. Show-Cause Proceeding.

ACTION: Notice of Order 79-10-23, Atlanta-Rochester, N.Y. Show-Cause Proceeding, Docket 36790.

SUMMARY: The Board is proposing to grant air route nonstop authority under section 401 of the Federal Aviation Act

of 1958, as amended, between Atlanta and Rochester, New York to Eastern Air Lines, USAir (formerly Allegheny Airlines), and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. In addition, the Board is awarding interim exemption authority to Eastern to provide nonstop service between Atlanta and Rochester effective November 1, 1979.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, and serve upon all persons listed below, no later than November 9, 1979, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDITIONAL DATA: All further applicants are directed to file applications, motions to consolidate, illustrative service proposals, environmental evaluations, estimates of fuel to be consumed in the first year and statements of fuel availability, no later than October 25, 1979.

ADDRESSES: Objections to the issuance of a final order, should be filed in Docket 36790, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Eastern Air Lines; USAir; United Air Lines; Rochester Gas and Electric Corporation; Monroe County, New York, and Rocjester, New York, Chamber of Commerce; the Governors of Georgia and New York; the Mayors of Atlanta and Rochester, N.Y.; the Georgia Department of Transportation; the New York State Department of Transportation; the Manager of the Atlanta International Airport; and the Manager of the Rochester-Monroe County Airport.

FOR FURTHER INFORMATION CONTACT: James F. Adley, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., NW., Washington, D.C. 20428, (202) 673–5412.

SUPPLEMENTARY INFORMATION: The interim exemption award is effective until 60 days after final Board decision in this proceeding and may be amended or revoked at any time in the Board's discretion without hearing.

The complete text of Order 79–10–23 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79–10–23 to that address.

By the Civil Aeronautics Board: October 4, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–31385 Filed 10–10–79; 8:45 am]

BILLING CODE 6320–01–M

[Order 79–10–22; Docket 36789]

Columbus-Indianapolis-Lafayette Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79–10–22, Columbus-Indianapolis-Lafayette Show-Cause Proceeding, Docket 36789.

SUMMARY: The Board is proposing to award nonstop air route authority under section 401 of the Federal Aviation Act of 1958, as amended, between Columbus, Ohio, Indianapolis, Ind. and Lafayette, Ind. to Air Wisconsin, and to any other fit, willing, and able carrier the fitness of which can be established by officially noticeable material.

The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by November 9, 1979, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

Additional Data: All further applicants are directed to file applications, motions to consolidate, illustrative service proposals, environmental evaluations, and estimates of fuel to be consumed in the first year no later than October 25, 1979.

ADDRESSES: Objections to the issuance of a final order, or additional data as described above, should be filed in Docket 36789, which we have entitled the *Columbus-Indianapolis-Lafayette Show Cause Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon all certificated air carriers, the Mayor of Columbus, Ohio, the Mayor of Indianapolis, Ind., the Mayor of Lafayette, Ind., the Governor of Ohio, the Governor of Indiana, the Ohio Department of Transportation, Division of Aviation, the Indiana Aeronautics Commission, the Indianapolis Airport Authority, the Airport Manager, Columbus, Ohio, the Airport Manager, Lafayette, ind., the Indianapolis Chamber of Commerce, Pioneer Airways, Vale International Airlines, Britt Airways, Skystream Airlines and Indiana Airways.

FOR FURTHER INFORMATION CONTACT: James F. Ransom, Bureau Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., 20428, (202) 673–5197.

SUPPLEMENTARY INFORMATION: The complete text of Order 79–10–22 is available from the Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., 20428. Persons outside the metropolitan area may send a postcard request for Order 79–10–22 to that address.

By the Civil Aeronautics Board: October 4, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–31384 Filed 10–10–79; 8:45 am]

BILLING CODE 6320–01–M

[Order 79–10–19; Docket 36788]

Louisville-Columbus Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79–10–19, *Louisville-Columbus Subpart Q Proceeding*, Docket 36788.

SUMMARY: The Board is instituting the *Louisville-Columbus Subpart Q Proceeding* and is proposing to grant Louisville-Columbus, Ohio authority to USAir and Piedmont, under the expedited procedures of Subpart Q of its procedural regulations. The tentative findings and conclusions will become final if no objections are filed.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than November 5, 1979, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections or Additional Data should be filed in Docket 36788, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Tadas Osmolskis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428, (202) 673–5102.

SUPPLEMENTARY INFORMATION: Objections should be served all persons listed in the service lists of Dockets 36069 and 36225.

The complete text of Order 79–10–19 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79–10–19 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 4, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–31382 Filed 10–10–79; 8:45 am]

BILLING CODE 6320–01–M

[Docket 36764]

Miami-London Case; Prehearing Conference

By Order 79–10–4, adopted October 1, 1979, the Board instituted the *Miami-London Case*, Docket 36764, to consider "which carrier or carriers should be authorized to provide non-stop service between Miami, Florida, and London, England, and what terms, conditions, or limitations should be placed on the operations of the carrier or carriers." The Board's order consolidated into this proceeding the applications of Air Florida, Inc., Docket 36017, of Braniff Airways, Inc., Docket 36125, of American Airlines, Inc., Docket 36191, of Eastern Air Lines, Inc., Docket 36314, of Western Air Lines, Inc., Docket 36320, of Trans World Airlines, Inc., Docket 36522, and of Republic Airlines, Inc., Docket 36591.

The Board's order advised that, contemporaneously with its order in the merger proceeding of Pan American World Airways (Docket 33283) and of Texas International Airlines (Docket 33112) for acquisition of control of National airlines, it would issue another order dealing in detail with the relevant procedural and substantive questions still to be decided for the *Miami-London Case*. It is anticipated that that supplemental order will be issued within the next two weeks. In the meantime, in light of the time constraints made applicable to the instant proceeding by section 401(c)(2) of the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978, it is imperative that procedural steps in this proceeding be commenced without delay.

Accordingly, notice is hereby given that a prehearing conference in the above-captioned proceeding will be held on October 23, 1979, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned administrative law judge.

The matters to be considered at the prehearing conference will include the substantive issues to be dealt with in the proceeding as may be further directed and indicated by the Board's forthcoming supplemental order, proposed procedural dates designed to ensure that the statutory time limits for completion of the proceeding are fully observed, and such other matters as may contribute to the orderly, efficient, and expeditious conduct of this proceeding.

In order to facilitate the conduct of the conference, parties are directed to submit one copy to each party and five copies to the judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence additional to those that may be set forth in the Board's supplemental order (4) statements of positions; and (5) proposed procedural dates. Such submissions should be delivered to the parties and to the judge no later than October 19, 1979. Parties with Washington counsel should hand-deliver such submissions, and other parties should utilize express services to ensure that delivery is timely made.

Dated at Washington, D.C., October 5, 1979.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 79–31383 Filed 10–10–79; 8:45 am]

BILLING CODE 6320–01–M

[Order 79–10–25; Dockets 32747 and 36792]

Show Cause and Fitness Investigation of Air North

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause and Fitness Investigation of Air North, Order 79–10–25, Dockets 32747 and 36792.

SUMMARY: The Board is issuing an order in which it tentatively finds and concludes that it is in the public convenience and necessity to grant the application of Air North, Inc., for a certificate authorizing the air transportation of persons, property and mail between and among the upper New York State communities of Massena, Ogdensburg, Watertown, Saranac Lake/Lake Placid and Plattsburgh and the Vermont communities of Rutland and Burlington. Certification is subject to a favorable determination of the applicant's fitness in the *Air North, Inc., Fitness Investigation* (Docket 36792), instituted concurrently.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by November 9, 1979, in Docket 32747, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

ADDRESSES: Objections to issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 32747, application of Air North for a certificate amendment.

In addition copies of such filings should be served on Air New England, Air North, American Airlines, Braniff Airways, Delta Air Lines, Eastern Air Lines, USAir, Albany Air Services, Command Airways, Empire Airlines, Mall Airways, Merrimack Airways, Precision Airlines, the Postmaster General, New York State Department of Transportation, the Agency of Transportation of the State of Vermont, the New York State Commissioner of Transportation, the Watertown International Airport Commission, the New York State Delegation (c/o The Honorable Robert C. McEwen, House of Representatives, Washington, D.C. 20515), the Port Authority of New York and New Jersey, the Mayor of Albany, New York, and the Manager of the Albany Airport, the Mayor of Burlington, Vermont, and the Manager of the Burlington International Airport, the Mayor of Lake Placid, New York, and the Manager of the Adirondack Airport, the Mayor of Massena, New York, and Mr. Floyd Ritchey of the Massena Airport Committee, the Mayor of Ogdensburg, New York, and the Executive Director of the Ogdensburg Bridge and Port Authority, the Mayor of Plattsville, New York, and the Manager of the Clinton County Airport, the Mayor of Rutland, Vermont, and the Chairman of the Rutland Aviation Committee, the Mayor of Saranac Lake and the Manager, Saranac Lake Airport, the Mayor of Syracuse, New York, and the Director of Aviation, Syracuse Hancock International Airport, the Mayor of Watertown, New York, and the Commissioner, Watertown Airport Commission.

FOR FURTHER INFORMATION CONTACT: Joseph Bolognesi, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; (202) 673–5057.

SUPPLEMENTARY INFORMATION: The complete text of Order 79–10–25 is available from our Distribution Section,

Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79–10–25 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 4, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-31367 Filed 10-10-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Alabama 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 Alabama Advisory Committee of the Commission will convene at 10:00 A.M. and will end at 11:30 P.M. October 31, 1979, at the Alabama State Capitol, Senate Room 206, Montgomery, Alabama 36310.

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., Citizens Trust Bank Building, Room 362, Atlanta, Georgia 30303.

The purpose of this meeting is to discuss Committee activities for FY 1980: Report on State Government and Federal Agencies responses to recommendations in the Committee's report: Where are the Women and the Blacks.

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

Dated at Washington, D.C., October 5, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-31463 Filed 10-10-79; 8:45 am]

BILLING CODE 6335-01-M

Nebraska 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 Nebraska Advisory Committee of the Commission will convene at 11:00 A.M. and will end at 3:00 P.M., on October 30, 1979, at the Scottsbluff Inn, 1901 21st Avenue, Scottsbluff, Nebraska 69391.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to continue the Committee's orientation and data gathering to the Panhandle Employment Study.

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

Dated at Washington, D.C., October 5, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-31462 Filed 10-10-79; 8:45 am]

BILLING CODE 6335-01-M

New Jersey 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 New Jersey Advisory Committee of the Commission will convene of 6:00 p.m. and will end at 9:00 p.m. on October 25, 1979, at the Ramada Inn, Route 8, New Brunswick, New Jersey.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Eastern Regional office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of the meeting is to discuss program planning for Fiscal Year 1980.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., October 5, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-31324 Filed 10-10-79; 8:45 am]

BILLING CODE 6335-01-M

Wisconsin 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 Wisconsin Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 12:00 p.m on October 30, 1979, at the Madison-Northeast, Holiday Inn, 4402 East Washington Avenue, Highway 151 North, Madison, Wisconsin 53704.

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

The purpose of this meeting is to discuss pending Vocational Education Project; set meeting for next FY 79/80; discuss Assessment of Bilingual Programs in Wisconsin Subcommittee Report.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., October 5, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-31325 Filed 10-10-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Housing for the 1980 Census; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that the Census Advisory Committee on Housing for the 1980 Census will convene on November 1, 1979, at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Housing for the 1980 Census was established in March 1976 to provide technical advice and guidance in planning the forthcoming decennial census of housing to ensure that the major statistical requirements of decisionmakers are provided by the 1980 Census of Housing program.

The Committee is composed of 18 members, including a representative from each of nine organizations, and nine members appointed by the Secretary of Commerce.

The agenda for the meeting, which is scheduled to adjourn at 4:30 p.m., is: (1) Introductory remarks by the Director, Bureau of the Census, (2) status of planning for the 1980 census, (3) status of the 1980 housing census, (4) quality of housing, (5) publication outlines, (6) mid-decade census, (7) annual housing survey, (8) 1980 census evaluation program—housing content, and (9) Committee recommendations and plans for the next meeting.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. Arthur F. Young, Chief, Housing Division, Bureau of the Census, Room 1731, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763–2863.

Dated: October 5, 1979.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 79-31471 Filed 10-10-79; 8:45 am]

BILLING CODE 3510-07-M

National Oceanic and Atmospheric Administration

Modification of Permit

Notice is hereby given that pursuant to the provisions of Sections 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and Section 222.25 of the National Marine Fisheries Service regulations governing endangered species permits (50 CFR Part 222), Permit No. 179 issued to Dr. G. Causey Whittow, Kewalo Marine Laboratory, Pacific Biomedical Research Center, University of Hawaii, on May 4, 1977, as modified on March 21, 1978, is further modified as follows: Section B is modified by deleting Section B–8 and substituting therefor the following: "This Permit is valid with respect to the activities authorized herein until December 31, 1982."

This modification is effective on the date of publication of this Notice in the **Federal Register.**

The Permit as modified, and documentation pertaining to the modification are available for review in the following offices: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 28, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-31411 Filed 10-10-79; 8:45 am]

BILLING CODE 3510-22-M

Industry and Trade Administration

Management-Labor Textile Advisory Committee; Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on October 25, 1979, at 1:30 p.m. in Room 6802, Department of Commerce, 14th & Constitution Avenue, NW., Washington, DC 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will ba made available on written request addressed to the ITA Freedom of Information Officer, Industry and Trade Administration, Records Inspection Facility, Room 3012, U.S. Department of Commerce, Washington, DC 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, DC 20230, telephone 202/377–5078.

Dated: October 9, 1979.

Arthur Garel,

Director, Office of Textiles.

[FR Doc. 79-31653 Filed 10-10-79; 10:10 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council's Salmon Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has established a Salmon Subpanel which will meet to discuss the draft comprehensive Salmon Fishery Management Plan.

DATES: The meeting will convene on Wednesday, November 7, 1979, at 10 a.m., and continue to approximately 5 p.m., and on Thursday, November 8, 1979, reconvene at 8 a.m., and adjourn at approximately 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Red Lion Inn, 29th and Chinden Boulevard, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

Dated: October 4, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-31464 Filed 10-10-79; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Special Infectious Disease Problems; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Special Infectious Disease Problems

Date of meeting: November 1–2, 1979.

Time and place: 0900 hours, U.S. Army Medical Research Institute for Infectious Diseases, Auditorium, Ft Detrick, MD 21701

Proposed agenda: This meeting will be open to the public on November 1 from 0900–1700 hrs and on November 2 from 0900–1215 hrs to discuss the special infectious disease problems of the U.S. Army Medical Research Institute of Infectious Diseases. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 2, 1979 from 1330 to 1530 for the review, discussion, and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center.

Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Committee members, and substantive program information.

For the Commander.

Richard O. Spertzel,

Colonel, VC, Executive Officer.

[FR Doc. 79–31322 Filed 10–10–79; 8:45 am]

BILLING CODE 3710–08–M

Fort Campbell, Ky.; Filing of Environmental Impact Statement

The Army, on October 5, 1979, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the on-going missions at Fort Campbell, Kentucky. The alternatives of maintaining, discontinuing, or changing missions at Fort Campbell are analyzed. Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Commander, 101st Airborne Division (Air Assault) and Fort Campbell, Attn: Environmental Office, Directorate of Facilities Engineering, Fort Campbell, KY 42223.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone: (202) 694–3434.

Daniel R. Voss,

Acting Deputy for Environment, Safety and Occupational Health, OASA (IL&FM).

[FR Doc. 79–31365 Filed 10–10–79; 8:45 am]

BILLING CODE 3710–08–M

Fort Devens, Mass.; Filing of Environmental Impact Statement

The Army, on October 5, 1979, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the on-going missions at Fort Devens, Massachusetts. The alternatives of maintaining, discontinuing, or changing missions at Fort Devens are analyzed. Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Directorate Facilities Engineering, Environmental Office, Fort Devens, MA 01433.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone: (202) 694–3434.

Daniel R. Voss,

Acting Deputy for Environment, Safety and Occupational Health, OASA (IL&FM).

[FR Doc. 79–31364 Filed 10–10–79; 8:45 am]

BILLING CODE 3710–08–M

Shoreline Erosion Advisory Panel; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Shoreline Erosion Advisory Panel on November 1–2, 1979.

The meeting will be held at the Grand Hotel, 1500 Canal Street, New Orleans, LA from 0830 hours to 1650 hours on November 1 and from 0830 hours to 1300 hours on November 2.

The November 1 session will be devoted to a briefing by the New Orleans District on the Fontainebleau State Park demonstration site and a field trip to the site by bus and to presentations by the various responsible Districts on the status of the demonstration sites within their District.

The November 2, morning session will be devoted to reports from the Atlantic, Pacific, Gulf, and Great Lakes working groups of the Panel; progress of the contractor in analyzing the monitoring data; and reports from the communications and information dissemination working groups of the Panel.

Participation by the public is scheduled for 1430 hours on November 1, 1979.

The meeting will be open to the public subject to the following:

1. Since seating capacity of the meeting room at the Grand Hotel is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel Ted E. Bishop, Executive Secretary, Shoreline Erosion Advisory Panel, Kingman Building, Fort Belvoir, Virginia 22060.

By Authority of the Secretary of the Army.

Dated: October 5, 1979.

George A. Bailey,

Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

[FR Doc. 79–31323 Filed 10–10–79; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 79–CERT–084]

Arizona Public Service Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Arizona Public Service Company (Arizona Public) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Ocotillo Plant in Tempe, Arizona, West Phoenix Plant in Phoenix, Arizona, Saguaro Plant in Red Rock, Arizona, and Yuma Plant in Yuma, Arizona, with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on August 27, 1979. Notice of that application was published in the **Federal Register** (44 FR 53769, September 17, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Arizona Public's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Arizona Public's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., October 2, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix I

Department of Energy,
Washington, D.C., October 2, 1979.

Re ERA Certification of Eligible Use, ERA Docket No. 79–CERT–084, Arizona Public Service Company.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, NW., Room 4126, Washington, D.C. 20461, telephone (202) 254–8202. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79–CERT–084.

Sincerely,

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Arizona Public Service Company

[ERA Docket No. 79–CERT–084]

Application for Certification

Pursuant to 10 CFR Part 595, Arizona Public Service Company (Arizona Public) filed an application for certification of an eligible use of 10,832,000 Mcf per year for the Ocotillo Plant, 1,671,000 Mcf per year for the West Phoenix Plant, 5,470,000 Mcf per year for the Saguaro Plant, and 2,808,000 Mcf per year for the Yuma Plant, with the Administrator of the Economic Regulatory Administration (ERA) on August 27, 1979. The application states that the eligible seller of the gas is Delhi Gas Pipeline Corporation (Delhi) and that the gas will be transported by the El Paso Natural Gas Company. The application and supplemental information indicate, among other things, that the use of natural gas will displace the following volumes of No. 6 and No. 2 fuel oil per year:

Ocotillo Plant—1,635,000 barrels of No. 6 (0.9% sulfur); 250,000 barrels of No. 2 (0.5% sulfur).

West Phoenix Plant—53,200 barrels of No. 6 (0.9% sulfur); 251,400 barrels of No. 2 (0.5% sulfur).

Saguaro Plant—715,800 barrels of No. 6 (0.9% sulfur); 243,800 barrels of No. 2 (0.5% sulfur).

Yuma Plant—246,300 barrels of No. 6 (0.9% sulfur); 147,800 barrels of No. 2 (0.5% sulfur).

The application and supplemental information also indicate that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of the following volumes of natural gas per year at Arizona Public's various plants purchased from Delhi is an eligible use of gas within the meaning of 10 CFR Part 595:

Ocotillo Plant—10,832,000 Mcf/yr.
West Phoenix Plant—1,671,000 Mcf/yr.
Saguaro Plant—5,470,000 Mcf/yr.
Yuma Plant—2,808,000 Mcf/yr.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volumes of natural gas at the same facilities purchased from the same eligible seller.

Issued in Washington, D.C. on October 2, 1979.

Doris J. Dewton,

Assistant Administrator Office of Petroleum Operations Economic Regulatory Administration.

[FR Doc. 79–31312 Filed 10–10–79; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 79–CERT–083]

Atlas Powder Co.; Certification of Eligible Use of Natural Gas to Displace Fuel Oil

Atlas Powder Company (Atlas) filed an application for certification of an eligible use of natural gas to displace fuel oil at its plant in Joplin, Missouri, with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on September 4, 1979. Notice of that application was published in the **Federal Register** (44 FR 54755, September 21, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Atlas' application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Atlas' application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., October 3, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix I

Department of Energy,
Washington, D.C., October 3, 1979.

Re ERA Certification of Eligible Use, ERA Docket No. 79–CERT–083, Atlas Powder Company.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 254–8202. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79–CERT–083.

Sincerely,

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Atlas Powder Company

[ERA Docket No. 79–CERT–083]

Application for Certification

Pursuant to 10 CFR Part 595, Atlas Powder Company (Atlas) filed an application for certification of an eligible use of up to 292,600 Mcf of natural gas per year at its plant in Joplin, Missouri, with the Administrator of the Economic Regulatory Administration (ERA) on September 4, 1979. The application states that the eligible seller and transporter of the gas is Cities Service Gas Company. The application and supplemental information indicate, among other things, that the use of natural gas will displace approximately 2,400,000 gallons of No. 2 fuel oil (0.34–1.0% sulfur) per year and that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 292,600 Mcf of natural gas per year at Atlas' Joplin Plant purchased from Cities Service Gas Company is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facility purchased from the same eligible seller.

Issued in Washington, D.C., on October 3, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations Economic Regulatory Administration.

[FR Doc. 79-31313 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-086]

Federal Paper Board Co., Inc.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Federal Paper Board Company, Inc. (Federal) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Riegelwood Mill in Riegelwood, North Carolina, with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on August 27, 1979. Notice of that application was published in the Federal Register (44 FR 54756, September 21, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Federal's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Federal's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., October 3, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix I

Department of Energy,
Washington, D.C., October 3, 1979.

Re ERA Certification of Eligible Use, ERA Docket No. 79-CERT-086, Federal Paper Board Company, Inc.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 254-8202. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79-CERT-086.

Sincerely,

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Federal Paper Board Co., Inc.

[ERA Docket No. 79-CERT-086]

Application for Certification

Pursuant to 10 CFR Part 595, Federal Paper Board Company, Inc. (Federal) filed an application for certification of an eligible use of up to 18,000 Mcf of natural gas per day at its Riegelwood Mill in Riegelwood, North Carolina, with the Administrator of the Economic Regulatory Administration (ERA) on August 27, 1979. The application states that the eligible sellers of the gas are East Tennessee Natural Gas Company (East Tennessee) and U.C.G. Energy Company (U.C.G.) and that the gas will be transported by the Transcontinental Gas Pipe Line Corporation, Tennessee Gas Pipe Line Company, and the North Carolina Natural Gas Corporation. The application and supplemental information indicate, among other things, that the use of natural gas will displace approximately 95,000 barrels of No. 6 fuel oil (2.1% max. sulfur) for the period from September 1, 1979 to October 31, 1979 and that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 18,000 Mcf of natural gas per day at Federal's Riegelwood Mill purchased from East Tennessee and U.C.G. is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facility purchased from the same eligible sellers.

Issued in Washington, D.C., on October 3, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-31314 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-79-003; ERA Case No. 65006-9095-21-22]

Modesto Irrigation District; Acceptance of Exemption Request Pursuant to Interim Rules of the Powerplant Industrial Full Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Acceptance of Exemption Request Pursuant to the Interim Rules of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On June 19, 1979, Modesto Irrigation District (Modesto) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) (42 U.S.C. 8301 *et seq.*) which prohibits the use of petroleum and natural gas in new powerplants. Criteria for petitioning for a peakload exemption from the provisions of FUA are published at 10 CFR Parts 501.3 and 503.41 (44 FR 28544, May 15, 1979), and at (44 FR 28996, May 17, 1979). Modesto proposes to install a 49,900 KW No. 2 oil-fired combustion turbine unit and certifies that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload for the life of the plant.

FUA imposes statutory prohibitions against the use of natural gas and petroleum by new powerplants. ERA's decisions in this matter will determine whether the proposed powerplant qualifies for the requested peakload powerplant exemption.

ERA has accepted this petition pursuant to 10 CFR 501.3 and 501.64. In accordance with the provisions of Sections 701 (c) and (d) of FUA and 10 CFR Parts 501.31 and 501.33, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before November 26, 1979. A request for a public hearing must be made by any interested person within this same 45 day period.

ADDRESSES: Fifteen copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA–FC–79–003 should be printed clearly on the outside of the envelope and the document contained therein.

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.

James W. Workman, Acting Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 254–7450.

G. Randolph Comstock, Deputy Assistant General Counsel for Coal Regulations, 6G–087 Forrestal Bldg., Washington, D.C. 20461, Phone (202) 252–2967.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Phone (202) 254–7442.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA), on May 15 and 17, 1979, published in the **Federal Register** interim rules 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). The Act prohibits the use of natural gas and petroleum in certain new major fuel burning installations and powerplants unless an exemption to do so has been issued by ERA.

Modesto Irrigation District (Modesto) submitted a sworn statement dated August 6, 1979, by Mr. M. N. Bennett, Chief Administrative Officer, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Bennett certifies that its proposed No. 2 oil-fired combustion turbine (McClure Station Unit 1) will be operated solely as a peakload powerplant and will be operated only to meet peakload for the life of the plant. He also certified that the maximum design capacity of the plant is 49,900 KW and that the maximum generation that will be allowed during any 12 month period is the design capacity times 1,500 hours or 74,850,000 Kwh.

Modesto also furnished the information required by 10 CFR Parts 502.11 (Petroleum and natural gas consumption), 502.12 (Conservation measures), and 502.13 (Environmental impact analysis).

ERA retains the right to request additional relevant information from Modesto at any time during the pendency of these proceedings where circumstances or procedural requirements may so require.

The public file, containing documents on these proceedings and supporting materials is available for inspection upon request at:

ERA, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, Monday-Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C., on October 3, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79–31307 Filed 10–10–79; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 79–CERT–087]

Noranda Aluminum, Inc.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Noranda Aluminum, Inc. (Noranda) filed an application for certification of an eligible use of natural gas to displace fuel oil at its primary aluminum reduction plant in New Madrid, Missouri, with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on August 30, 1979. Notice of that application was published in the **Federal Register** (44 FR 53770, September 17, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Noranda's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Noranda's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., October 2, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix I

Department of Energy,
Washington, D.C., October 2, 1979.

Re ERA Certification of Eligible Use, ERA Docket No. 79–CERT–087, Noranda Aluminum, Inc.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effectvie for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 254–8202. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79–CERT–087.

Sincerely,

Doris J. Dewton,
Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Noranda Aluminum, Inc.

[ERA Docket No. 79–CERT–087]

Application for Certification

Pursuant to 10 CFR Part 595, Noranda Aluminum, Inc. (Noranda), filed an application for certification of an eligible use of approximately 1,000 Mcf of natural gas per day at its primary aluminum reduction plant in New Madrid, Missouri, with the Administrator of the Economic Regulatory Administration (ERA) on August 30, 1979. The

application and supplemental information indicate that the eligible seller of the gas is Energy Buyers Service Corporation and that the gas will be transported by the Tennessee Gas Transportation Company, the Texas Eastern Transmission Corporation, and the Associated Natural Gas Company. The application and supplemental information also indicate that the use of natural gas will displace approximately 7,190 gallons of No. 2 fuel oil (0.5–1.5% sulfur) per day and that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of approximately 1,000 Mcf of natural gas per day at Noranda's New Madrid Plant purchased from Energy Buyers Service Corporation is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facility purchased from the same eligible seller.

Issued in Washington, D.C., on October 2, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-31311 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-088]

Terra Chemical International, Inc.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Terra Chemical International, Inc. (Terra) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Port Neal Plant in Port Neal, Iowa, with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on September 4, 1979. Notice of that application was published in the **Federal Register** (44 FR 53770, September 17, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Terra's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Terra's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C. October 2, 1979.

Doris J. Dewton,

Assitant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix I

Department of Energy
Washington, D.C., October 2, 1979.

Re: ERA Certification of Eligible Use, ERA Docket No. 79–CERT–088, Terra Chemical International, Inc.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 254–8202. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79–CERT–088.

Sincerely,

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Terra Chemical International, Inc.

[ERA Docket No. 79–CERT–088]

Application for Certification

Pursuant to 10 CFR Part 595, Terra Chemical International, Inc. (Terra) filed an application for certification of an eligible use of approximately 4,000 Mcf of natural gas per day at its Port Neal Plant, Port Neal, Iowa, with the Administrator of the Economic Regulatory Administration (ERA) on September 4, 1979. The application states that the eligible sellers of the gas are Centennial Gas Corporation (Centennial) and Yates Drilling Company and Martin Yates III (Yates) and that the gas will be transported by the Northern Natural Gas Company, Colorado Interstate Gas Company, and the Iowa Public Service Company. The application and supplemental information indicate, among other things, that the use of natural gas will displace approximately 3,500,000 gallons of No. 2 fuel oil (0.5% max. sulfur) for the period from October 1, 1979 to April 1, 1980 and that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of approximately 4,000 Mcf of natural gas per day at Terra's Port Neal Plant purchased from Centennial and Yates is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facility purchased from the same eligible sellers.

Issued in Washington, D.C. on October 2, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-31310 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

Ford Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR Section 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Ford Oil Company, P.O. Box 385, Santa Rosa, Texas 78593. This Proposed Remedial Order charges Ford with pricing violations in the amount of $92,001.00, connected with the resale of propane during the audit period November 1, 1973, through January 31, 1975, in the State of Texas.

A copy of the Proposed Remdial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, P.O. Box 35228, Dallas, Texas 75235, phone 214/767–7745. Within 15 days of publication of this Notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, DC 20461, in accordance with 10 CFR Section 205.193.

Issued in Dallas, Texas, on the 2nd day of October 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-31375 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP79-492]

City of Tipton, Iowa, Applicant; Northern Natural Gas Co., Respondent; Application

October 2, 1979.

Take notice that on September 18, 1979, City of Tipton, Iowa (Tipton), City Hall, Tipton, Iowa 52772, filed in docket No. CP79-492 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Northern Natural Gas Company (Northern) to deliver and sell 80 Mcf of increased contract demand and commensurate annual volumes of natural gas to Tipton, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Pursuant to an application filed with the Commission in Docket No. CP79-91, Northern requested permission and approval to abandon the sale to Inter-City Gas Limited, Inc. (Inter-City), an existing customer of Northern, of 818 Mcf of gas under Northern's Rate Schedule WPS-1 and 459 Mcf per day under Rate Schedule SS-1. Several petitions to intervene in the proceeding were filed by customers of Northern requesting reallocation of the gas sought to be abandoned. By the order issued May 1, 1979, in the said docket, the Commission granted Northern's application.

By its Opinion No. 404, issued September 30, 1963, in Docket No. CP62-85 the Commission, authorized the sale by Northern to Tipton of 914 Mcf of gas on a peak day and 139,534 Mcf annually, representing Tipton's estimated third year requirements.

Since the commencement of natural gas service to Tipton the volume of gas purchased by Tipton from Northern has increased from the first year volume of 487 Mcf per day to the 1700 Mcf maximum daily volume presently allocated, it is indicated in the application.

Tipton asserts that it has a market potential estimated by its gas department of 1,062 residential space heating consumers and 157 commercial space heating consumers and that it has been required to restrict attachments to residential and small commercial customers in order to operate within the maximum day volume allocated. Tipton now considers that some of the gas relinquished by Inter-City should be made available to it in order to enable Tipton to permit some new attachments of residential and commercial users.

The facilities, Tipton asserts, presently in use are of sufficient capacity to handle the additional volume and no new construction would be necessary. The additional gas would be delivered to the Tipton city-gate by way of the existing so-called Northern Natural Anamosa lateral line extending from Anamosa, Iowa, to Tipton, it is indicated.

Tipton further indicates that the additional volume of 80 Mcf per day would be sold and distributed to residential and small commercial establishments, all of which would be Priority 1 users.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 22, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31318 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-640]

Hartford Electric Light Co.; Purchase Agreement

September 13, 1979.

The filing Company submits the following:

Take notice that on September 5, 1979, The Hartford Electric Light Company (HELCO) tendered for filing a proposed rate schedule pertaining to a Purchase Agreement with Respect to Middletown Unit No. 4 between HELCO and Village of Hardwick Electric Light Department (Hardwick) dated as of September 1, 1977.

HELCO states that the Purchase Agreement provides for a sale to Hardwick of a specified percentage of capacity and energy from HELCO's Middletown Unit No. 4 generating unit during the period November 1, 1979 through October 31, 1985.

HELCO requests that the Commission permit the rate schedule filed to become effective on November 1, 1979.

HELCO states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge rate is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee.

The monthly Transmission Charge is determined by the product of (i) the transmission charge rate ($/KW-month), and (ii) the number of kilowatts of winter capability which Hardwick is entitled to receive reduced to give due recognition for payments made by Hardwick to intervening systems. The Energy Charge is based on Hardwick's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

HELCO states that the services to be provided under the Purchase Agreement are similar to services provided by HELCO relating to an agreement between HELCO and North Attleborough Electric Department (FERC Rate Schedule No. HELCO 155).

HELCO states that a copy of the rate schedule has been mailed or delivered to HELCO, Hartford, Connecticut, and Hardwick, Hardwick, Vermont.

HELCO further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are

on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29330 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP78-123 etc.]

Northwest Alaskan Natural Gas Transportation Co.; Extension of Comment Period on Draft Environmental Impact Statement for Proposed Sales Gas Conditioning Facility at Prudhoe Bay, Alaska

October 5, 1979.

Notice was given in the above docket on July 27, 1979, that a draft environmental impact statement (DEIS), prepared by the staff of the Federal Energy Regulatory Commission, was made available.

The DEIS deals with the construction and operation of facilities to process, condition, and compress natural gas to meet Northwest Alaskan Pipeline Company's (Northwest Alaskan) proposed pipeline specifications. Natural gas would be collected from the oil and gas fields at Prudhoe Bay and transported through a proposed 48-inch diameter, 1,260-psig pipeline network to the lower 48 states. The proposed conditioning facility would consist of four parallel natural gas liquids (NGL's) and carbon dioxide removal extraction trains, each train capable of delivering about 665 million cubic feet of conditioned gas per day to the proposed Northwest Alaskan pipeline system. The facility would also include one single-train fractionating unit, a deethanizer, a depropanizer, and a debutanizer used to separate the NGL's entrained in the feed gas stream. Support facilities at Prudhoe Bay would include a temporary construction camp and a permanent operations center to house staff and craft personnel.

The notice stated that all comments on the DEIS must be filed by September 14, 1979, and comments mailed from Alaska would be allowed an extra 15 days for receipt.

Several agencies such at the Fairbanks North Star Borough, Fairbanks Chamber of Commerce, Fairbanks City Council, U.S. Corps of Engineers, SOHIO, and others have requested an extension of time to comment on the DEIS. Therefore, notice is hereby given that the commenting period is extended to October 12, 1979.

Kenneth Plumb,

Secretary.

[FR Doc. 79-31319 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. G-232]

United Gas Pipe Line Co.; Petition To Amend

September 14, 1979.

Take notice that on August 22, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. G-232 a petition to amend the order of November 10, 1942[1] issuing a certificate of public convenience and necessity in the instant docket pursuant to Section 7(c) of the Natural Gas Act for authorization to continue the sale of natural gas to Arkansas Louisiana Gas Company (Arkla), successor in interest to Dixie-Caddo Gas Company, Inc., (Dixie-Caddo), all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

United states that pursuant to the order issued on November 10, 1942, in the instant docket, United is authorized to sell natural gas to Dixie-Caddo, the owner of the distribution system located near the towns of Belcher and Dixie, Caddo Parsish, Louisiana. The subject sale of gas is said to occur at the Dixie, Louisiana, city gate station located near the town of Dixie.

United has been advised that the system formerly owned by Dixie-Caddo has been sold to Arkla. United therefore, requests authorization to continue the sale of gas to Arkla, successor in interest to Dixie-Caddo, under Rate Schedule G-N without change. United asserts that an amended service agreement reflects the change in ownership of the distribution system and provides for the continuation of gas service through the Dixie, Louisiana, city gate station delivery point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 5, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29311 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TC79-10]

Algonquin Gas Transmission Co.; Election To Extend Date and Tariff Filing

October 3, 1979.

Take notice that on September 7, 1979, Algonquin Gas Transmission Company ("Algonquin") filed an election, pursuant to the provisions of § 281.204(a)(2) of Title 18, Code of Federal Regulations, to extend the date on which it must file tariff sheets implementing the Commission's Permanent Curtailment Rule with respect to high priority and essential agricultural uses (18 CFR § 281.201 *et seq.*) from October 1, 1979, to November 1, 1979. Algonquin also tendered for filing copies of the 4th Revised Sheet No. 120-A to its FERC Gas Tariff, First Revised Volume No. 1, which would implement the election.

The new tariff sheet would extend the termination date contained in § 14.7(b) of Algonquin's General Terms and Conditions from October 31, 1979, to November 30, 1979. The effect of the change would be to continue the operation of the Commission's Interim Curtailment Rule (18 CFR § 281.101 *et seq.*) on Algonquin's system during the month of November, 1979.

The right of a pipeline to elect to extend by one month the date on which it must file tariff sheets implementing the Commission's Permanent Curtailment Rule was added by Order No. 29-B (Docket No. RM79-15, July 20, 1979, 44 FR 45922) to accommodate extensions made in certain other deadlines of the Permanent Curtailment Rule. The tendered tariff sheet will be accepted for filing and made effective on October 8, 1979, without further order of the Commission unless suspended or rejected on or before that date, in accordance with Section 4 of the Natural Gas Act.

Any person desiring to be heard or to protest the filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington,

D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 5, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31398 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ID-1883]

Klaus Bergman; Filing

October 4, 1979.

Take notice that on September 14, 1979, Klaus Bergman (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President and Director, West Penn Power Company, Public Utility.
Director, Ohio Valley Electric Corporation, Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31409 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ID-1817]

Warren F. Brecht; Filing

October 4, 1979.

Take notice that on September 12, 1979, Warren F. Brecht, (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Controller, The Connecticut Light and Power Company, Public Utility.
Controller, The Hartford Electric Light Company, Public Utility.
Controller, Western Massachusetts Electric Company, Public Utility.
Controller, Holyoke Water Power Company, Public Utility.
Controller, Holyoke Power and Electric Company, Public Utility.
Controller, Connecticut Yankee Atomic Power Company, Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31410 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ID-1881]

Carroll A. Caffrey; Filing

October 4, 1979.

Take notice that on August 22, 1979, Carroll A. Caffrey, (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, The Connecticut Light and Power Company, Public Utility.
Vice President, The Hartford Electric Light Company, Public Utility.
Vice President, Western Massachusetts Electric Company, Public Utility.
Vice President, Holyoke Water Power Company, Public Utility.
Vice President, Holyoke Power and Electric Company, Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31437 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RP72-142 and RP76-135]

Cities Service Gas Co.; Proposed Changes in FERC Gas Tariff

October 4, 1979.

Take notice that Cities Service Gas Company (Cities Service) on September 26, 1979, tendered for filing First Revised Fourth Revised Sheet No. 6 to its FERC Gas Tariff, Original Volume No. 1. Cities Service states that pursuant to the Purchased Gas Adjustment in Article 21 of its FERC Gas Tariff, it proposes to increase its rates effective October 23, 1979, to reflect:

(1) An increase in the Cumulative Rate Adjustment due to increases in Cities Service's natural gas supplier rates, including increased rates attributable to the Natural Gas Policy Act of 1978 (NGPA);

(2) A decreased Surcharge Adjustment to amortize the reduced Deferred Purchased Gas Cost Account balance;

(3) A negative Advance Payment Rate Adjustment.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP72-142 and RP79-76.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 or § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before October 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31438 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-669]

CEI-PJM Group; Proposed Supplement to Interconnection Agreement

October 4, 1979.

CEI-PJM Group, Interconnection Agreement, The Cleveland Electric Illuminating Company (Above Referred to as CEI).

Public Service Electric and Gas Company,
Philadelphia Electric Company,
Pennsylvania Power & Light Company,
Baltimore Gas and Electric Company,
Jersey Central Power & Light Company,
Metropolitan Edison Company,
Pennsylvania Electric Company,
Potomac Electric Power Company,
(Above Referred to Collectively as the PJM Group).

The filing company submits the following:

Take notice that on September 21, 1979 the Pennsylvania-New Jersey-Maryland Group (PJM Group) tendered for filing on behalf of themselves and The Cleveland Electric Illuminating Company (CEI) proposed Modification Number 1 to Schedule 4.02 to the Interconnection Agreement between them dated January 22, 1966.

The proposed Modification expands the present provisions for economy energy transactions between the two Parties by providing for the Parties to participate in economy transactions involving systems not signatories to the Interconnection Agreement. The proposed arrangements will enable the Parties to supply customer load with the most economical generation available and will serve to more fully utilize lower cost fuels, thereby conserving the higher cost fuels.

No new facilites will be installed nor will existing facilities be modified in connection with the proposed Modification. The filing party has requested that the proposed Modification become effective on November 1, 1979.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice should, on or before October 22, 1979, file with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, DC 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31439 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP73-65 (PGA79-2)]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

October 4, 1979.

Take notice that Columbia Gas Transmission Corporation (Columbia) on September 26, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, as follows:

Substitute Fifty-fifth Revised Sheet No. 16
Substitute Third Revised Sheet No. 16A
Substitute Twenty-fifth Revised Sheet No. 64A

Columbia states that the foregoing tariff sheets effective September 1, 1979, are being filed to reflect revised rates in compliance with the Commission's Letter Order issued August 30, 1979. Such revised rates provide for a Purchased Gas Cost Adjustment which is $1,754,220 less than that filed on July 31, 1979.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commision, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31440 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RA79-34]

Commonwealth Refining Co., Inc.; Filing of Petition for Review

October 4, 1979.

Take notice that Commonwealth Refining Company, Inc. on September 17, 1979, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before October 19, 1979 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Department of Energy, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol, St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31441 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP72-134]

Eastern Shore Natural Gas Co.; Adjustment to Rates and Charges

October 4, 1979

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on September 25, 1979, tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff.

To Be Effective September 1, 1979—
Substitute Eleventh Revised Sheet No. 5
Substitute Eleventh Revised Sheet No. 6
Substitute Eleventh Revised Sheet No. 10
Substitute Eleventh Revised Sheet No. 11
Substitute Eleventh Revised Sheet No. 12

These tariff sheets reflect a net increase of 18.56¢ per dekatherm (dt) in the commodity or delivery charge of Eastern Shore's CD-1, CD-E, G-1, PS-1 and E-1 rate schedules, a net decrease of 8.44¢ per dt in the commodity charge

of Eastern Shore's PS–1 Excess Delivery rate schedule and a net increase of 27.0¢ per dt in the commodity charge of Eastern Shore's I–1 rate schedule.

Eastern Shore states that these changes have been computed in accordance with the tracking provisions contained in the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1. The tracking rate change under the PGA clause (Section 21) amounts to an increase of 30.76¢ per dt in the commodity or delivery charge in Eastern Shore's CD–1, CD–E, G–1, PS–1 and E–1 rate schedules, an increase of 3.76¢ per dt in the commodity charge in Eastern Shore's PS–1 Excess Delivery rate schedule and a 27.0¢ per dt increase in the commodity charge of Eastern Shore's I–1 rate schedule. The tracking rate change to reflect curtailment credits (Section 20) is a decrease of 12.2¢ per dt in the commodity or delivery charge under Eastern Shore's CD–1, CD–E, G–1, PS–1 and E–1 rate schedules.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–31442 Filed 10–10–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER79–668]

Edison Sault Electric Co.; Proposed Supplement to Electric Service Contract

October 4, 1979.

Take NOTICE that Edison Sault Electric Company (Edison), on September 21, 1979, tendered for filing a Transmission Coordination Agreement, dated May 1, 1977, and Supplemental Agreement No. 1, dated February 1, 1979, and Supplemental Agreement No. 2, dated April 1, 1979, between Edison and Cloverland Electric Cooperative, Inc. (Cloverland), which agreements will provide for the integration of the Edison and Cloverland transmission systems into one coordinated transmission system.

Copies of the filing were served upon Cloverland Electric Cooperative, Inc. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said agreement, should file a Petition to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–31443 Filed 10–10–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ID–1882]

William E. Ehrensperger; Filing

October 4, 1979.

Take notice that on August 27, 1979, William E. Ehrensperger, (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director and Senior Vice Presdent, Georgia Power Company, Public Utility.
Director Southern Electric Generating Company, Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–31444 Filed 10–10–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER79–670]

Iowa Public Service Co.; Proposed Cancellation of Service Agreement

October 4, 1979.

Take notice that Iowa Public Service Company filed on September 21, 1979, a proposal to terminate the Service Agreement under its FERC Electric Tariff Original Volume 1 between itself and the City of Hudson, Iowa, dated December 13, 1976. Notice of the proposed cancellation has been served upon the Mayor of the City of Hudson, Iowa.

Any person desiring to be heard or to protest said proposal should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 23, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–31445 Filed 10–10–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER79–675]

Iowa Public Service Co.; Filing of Facilities and Operating Agreement

October 4, 1979.

Filing company submits the following:

Take notice that Iowa Public Service Company (Public Service) on September 27, 1979, tendered for filing a Facilities and Operating Agreement, dated May 10, 1979, between:

Iowa Public Service Company (Public Service).
Iowa-Illinois Gas and Electric Company (Iowa-Illinois).
Corn Belt Power Cooperative (Corn Belt).
Algona Municipal Utilities (Algona).
Bancroft Municipal Utilities (Bancroft).
Cedar Falls Municipal Electric Utility (Cedar Falls).

Coon Rapids Municipal Utilities (Coon Rapids).
Graettinger Municipal Light Plant (Graettinger).
Laurens Municipal Light & Power Plant (Laurens).
Milford Municipal Utilities (Milford).
Spencer Municipal Utilities (Spencer).
Webster City, City of (Webster City).

Public Service states copies of the filing have been mailed to each of the other parties to the Agreement and to the Iowa State Commerce Commission.

The Agreement relates to the construction and operation of the Lehigh-Webster Transmission and Webster terminals which will be constructed, owned and used jointly by the signed parties. Public Service will act as agent for the parties. The Agreement also provides for the assignment of capacity scheduling should excess capacity by any party occur.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 25, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31446 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP72-32 (PGA79-2)]

Kansas-Nebraska Natural Gas Co., Inc.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

October 4, 1979.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. on September 28, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes would increase the commodity rate under each of Kansas-Nebraska's jurisdictional rate schedules by $0.0656 per Mcf.

This filing is made to enable Kansas-Nebraska to reflect in its rates, pursuant to Section 19 of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1, increases in its purchased gas costs. Kansas-Nebraska requests the instant filing be made effective on December 1, 1979.

Copies of the filing were served upon the company's jurisdictional customers and interested public bodies.

Any person desiring to be heard or make any protest with reference to this filing should, on or before October 18, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) under the regulations of the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31447 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP73-14]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in FERC Gas Tariff

October 4, 1979.

Take notice that on September 14, 1979, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing Third Revised Sheet No. 7 to its F.E.R.C. Gas Tariff, Original Volume No. 1. Michigan Wisconsin proposed an effective date of November 1, 1979 for said revised sheet.

This tariff sheet reflects an increase in Michigan Wisconsin's one-part rates and the commodity component of the two-part rate of approximately 21¢ per dekatherm (dth) and a decrease in the demand component of the two-part rate of $.011 per dth. These charges are primarily the result of: (1) Rate changes charged by pipeline suppliers, principally to reflect the impact of the increase in the Canadian Border price from $2.16 to $2.80 per MMBtu, the price effective on August 11, 1979; (2) the effect of price increases on purchased gas due to the NGPA; and (3) a decrease of 2.41¢ per dth in the surcharge level.

Michigan Wisconsin further states that it requests a waiver of the requirements of Part 154 of the Commission's regulations under the Natural Gas Act to the extent that such waiver may be necessary to permit this filing of Third Revised Sheet No. 7 to be made and to become effective November 1, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31448 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP72-149 (PGA 79-5a)]

Mississippi River Transmission Corp.; Proposed Change in Rates

October 4, 1979.

Take notice that Mississippi River Transmission Corporation ("Mississippi") has submitted for filing Second Substitute Seventy Third Revised Sheet No. 3A to its FERC Gas Tariff, First Revised Volume No. 1, to be effective September 1, 1979. Mississippi submits that this substitute revised tariff sheet, filed pursuant to Commission letter order dated August 30, 1979, reflects rate adjustments due to the elimination of costs from producer and pipeline suppliers which those suppliers were not authorized to charge. In addition, such filing reflects rate reductions associated with the elimination of costs of producer suppliers which were not flowing as of September 1, 1979.

Mississippi has informed the Commission that copies of its filing have been served on its jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8,

1.10). All such petitions or protests should be filed on or before October 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31449 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. E-7734]

Mid-Continent Area Power Pool Agreement; Revised Compliance Filing

October 4, 1979.

The filing company submits the following:

Take notice that on September 11, 1979, the Mid-Continent Area Power Pool (MAPP) Management Committee filed a revised compliance filing in response to Opinions 806 and 806-A issued by the Federal Power Commission on June 15, 1977 and August 12, 1977, respectively, and in response to this Commission's order of June 5, 1979, entitled "Order Rejecting Compliance Filing."

The filing is the part of MAPP's earlier filing that relates to pool membership. MAPP will submit the remaining part, relating to voting provisions, as a rate schedule change pursuant to Part 35 of the Commission's Regulations under the Federal Power Act.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before October 25, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31450 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP74-97 (PGA 78-1)]

Montana-Dakota Utilities Co.; Filing of Tariff Sheets

October 4, 1979.

Take notice that on September 24, 1979 Montana-Dakota Utilities Co. ("MDU"), 400 North Fourth Street, Bismarck, North Dakota 58501, filed revised tariff sheets in compliance with the Commission's "Order Affirming Initial Decision" issued July 11, 1979 and the "Order Denying Petition for Rehearing" issued September 10, 1979 in the above-captioned docket, all as more fully set forth in its filing.

MDU states that it is filing the revised tariff sheets under protest in order to reflect the elimination of Powell II gas costs from its PGA adjustments in compliance with Ordering Paragraph (C) of the Order of July 11, 1979.

Any person desiring to be heard or to make any protest with reference to said filing should on or before October 18, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Protests will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31451 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP71-125 (PGA Nos. 79-2 and 79-2a)]

Natural Gas Pipeline Co. of America; Revised Purchased Gas Cost Adjustment in Compliance With the Commission's Order Issued August 29, 1979

October 4, 1979.

Take notice that on September 28, 1979, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gast Tariff, Third Revised Volume No. 1, Fourth Substitute Thirty-eighth Revised Sheet No. 5, to be effective September 1, 1979.

The tariff sheet reflects Base Rates in effect subject to refund in Docket No. RP78-78.

The purpose of this filing is to comply with the Commission's Order issued August 29, 1979. The rate reduction of 3.04¢ reflects the elimination of costs which producer and pipeline suppliers were not authorized to charge on September 1, 1979. The reduction is primarily due to the elimination of two new sources which were not flowing as of the effective date of this rate change, offset partially by the inclusion of a new source which commenced delivery on August 29, 1979. In addition, Natural submitted Appendices A and B in response to the information requested in the Commission's Order.

Natural requested waiver of the Commission's Regulations and the Commission's Order issued August 29, 1979, to the extent necessary to put the proposed tariff sheet into effect on September 1, 1979.

A copy of this filing has been mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protect said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31452 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP73-8]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

October 4, 1979.

Take notice that North Penn Gas Company (North Penn) on September 19, 1979 tendered for filing Substitute Sixty-First Revised Sheet No. PGA-1 to its FERC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause. The substitute tariff sheet is proposed to be effective September 1, 1979 in lieu of Sixty-First Revised Sheet No. PGA-1 filed August 6, 1979 and approved by Commission Letter Order dated September 6, 1979 for effectiveness September 1, 1979.

The change of rates contained in Substitute Sixty-First Revised Sheet No.

PGA–1 reflects an increase of 4.131¢ per Mcf to the rates contained in Sixty-First Revised Sheet No. PGA–1, and would amount to approximately $540,000 annually to North Penn's FERC jurisdictional customers.

The change of rates contained in Substitute Sixty-First Revised Sheet No. PGA–1 resulted from a net increase in rates filed by Consolidated Gas Supply Corporation (Congas), one of North Penn's suppliers, on August 27, 1979, revised and refiled on August 29, 1979 for effectiveness September 1, 1979. In all other respects, Substitute Sixty-First Revised Sheet No. PGA–1 contains the same changes as Sixty-First Revised Sheet No. PGA–1.

In the Commission Order No. 13, Docket No. R–406 issued October 18, 1978, it was stated on page 12—

"For the smooth and effective execution of this order, it is necessary that supplier pipelines provide information concerning their proposed adjustments to their purchasers who must make concurrent PGA filings. *Such information should be provided at least 15 days prior to the filing date of the purchasing pipeline.* The Commission intends to monitor the practices of pipe lines in this regard, and, if it finds the information is not provided in a timely manner, the Commission will initiate a rulemaking procedure prescribing the necessary procedures for providing the information."

North Penn did not receive notification of the Congas August 29, 1979 filing until September 4, 1979, thereby making a substitute filing prior to September 1, 1979 to its Sixty-First Revised Sheet No. PGA–1 filed August 6, 1979, impossible.

Therefore, if the Commission grants the required waiver and approves the Congas August 29, 1979 filing to be effective September 1, 1979, a substantial financial burden would be unjustly placed upon North Penn if its Substitute Sixty-First Revised Sheet No. PGA–1, tracking that change, is not also granted approval effective September 1, 1979, according to North Penn.

North Penn, for the reasons stated, respectfully requests a waiver of any of the Commission's Rules and Regulations as may be deemed necessary to accept for filing Substitute Sixty-First Revised Sheet No. PGA–1 and to permit it to become effective September 1, 1979 as proposed.

Copies of this filing were served upon North Penn's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules and practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31453 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. CP79-277 RP79-57]

Northwest Pipeline Corp.; Service Agreement and Tariff Filing

October 4, 1979.

Take notice that on September 28, 1979, Northwest Pipeline Corporation ("Northwest") tendered for filing proposed service agreements and tariff sheets for Commission acceptance. The proposed service agreements and tariff sheets provide for temporary Winter Service to be rendered by Northwest to certain of its customers pursuant to provisions of Rate Schedule WS–1.

By order dated September 20, 1979 in Docket No. CP79–277, the Commission granted Northwest temporary certificate authorization permitting the sale and delivery of Winter Service volumes, all as more fully explained in Northwest's certificate application dated April 18, 1978 as supplemented on June 11, 1979 in said docket. The proposed effective date is October 1, 1979, the date proposed rates under Docket No. RP79–57 are to be placed into effect subject to refund.

A copy of this filing has been served on Northwest's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31454 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP79–57]

Northwest Pipeline Corp.; Charges in Service Agreement

October 4, 1979.

Take notice that on September 28, 1979 Northwest Pipeline Corporation ("Northwest") tendered for filing a revised Storage Gas Service ("SGS–1") Agreement dated August 27, 1979 with Washington Natural Gas Company ("Washington Natural"). Such revision was required as a result of a change in rate design for Rate Schedule SGS–1 tendered at Docket No. RP79–57 to reflect an allocation of fixed costs between demand and seasonal charges. As a result of said change, the Form of Service Agreement for Rate Schedule SGS–1, as it applies to the storage owners, was revised to reflect the Buyers' Owned Storage Seasonal Quantity under Article I—Gas to be Sold and Purchased. Therefore, the service agreements with Washington Natural and The Washington Water Power Company ("Water Power"), both one-third interest owners of the Jackson Prairie Storage Project with Northwest, have to be revised. The service agreement with Water Power is being tendered concurrently as part of the Winter Service tariff filing at Docket No. CP79–277 as more fully explained therein.

Northwest requests waiver of applicable Commission Regulations in order to permit an effective date of October 1, 1979. Such date is the beginning of the 1979–80 heating season for which the revised agreement would apply and is the effective date requested for the revised SGS–1 agreement with Water Power. A copy of this filing has been served upon Washington Natural Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb.

Secretary.

[FR Doc. 79-31455 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-70]

Northwestern Public Service Co.; Application

October 4, 1979

Take notice that on September 19, 1979, the Northwestern Public Service Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Act, seeking authorization to issue and sell 100,000 additional shares of its Common Stock, par value $7 per share in accordance with the terms and conditions of its Automatic Dividend Reinvestment Plan. The Applicant is incorporated under the laws of the State of Delaware, with its principal business office at Huron, South Dakota, and is qualified to do business as a foreign corporation in the States of Iowa, North Dakota, and South Dakota.

Applicant states that the net proceeds which may be realized from the sale of the 100,000 additional shares of its Common Stock dedicated to the Automatic Dividend Reinvestment Plan are estimated at approximately $1,800,000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before October 19, 1979. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 7-31456 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP78-84 (PGA 80-1)]

Raton Natural Gas Co.; Change in Rates

October 4, 1979.

Take notice that Raton Natural Gas Company (Raton), on September 21, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Volume No. 1, consisting of Substitute Twentieth Revised Sheet No. 3a. The change in rates is for jurisdictional gas service. The proposed effective date is October 1, 1979.

Raton states that the instant notice of change in rates is occasioned solely by changes in the cost of gas purchased from Colorado Interstate Gas Company (CIG). The tracking of CIG Gas Cost increase results in increased rate from $1.78 to $1.97 per MCF of Demand and from 175.47¢ to 208.47¢ per MCF Commodity. The annual revenue increase, by reason of the tracking, amounts to $361,610.

In addition Raton tendered for filing proposed changes in Section 18 of its FERC Gas Tarrif Volume No. 1, consisting of the following:

Third Revised Sheet No. 20a.
Fourth Revised Sheet No. 20b.
Second Revised Sheet No. 20c.

The changes consisted of updating Purchased Gas Cost, Adjustment Provisions to comply with Commission Regulations as to time of filing and method of surcharge calculations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31457 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ID-1880]

Walter T. Schultheis; Filing

October 4, 1979.

Take notice that on August 22, 1979, Walter T. Schultheis (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, The Connecticut Light and Power Company, Public Utility.
Vice President, The Hartford Electric Light Company, Public Utility.
Vice President, Western Massachusetts Electric Company, Public Utility.
Vice President, Holyoke Water Power Company, Public Utility.
Vice President, Holyoke Power and Electric Company, Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31458 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP73-3 (PGA79-2)]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

October 4, 1979.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing Fifteenth Revised Sheet No. 12 and Substitute Fourteenth Revised Sheet No. 15 to Second Revised Volume No. 1 of Transco's FERC Gas Tariff. These sheets which have a proposed effective date of September 1, 1979, reflect the same rates as those originally filed August 1, 1979 in Transco's PGA tracking filing except that the base purchased gas cost as adjusted shown on Sheet No. 15 has been reduced .01¢ per dekatherm (dt) from 132.63¢ to 132.62¢.

Transco states that this change has been computed in accordance with the tracking provisions contained in the General Terms and Conditions of its

FERC Gas Tariff, Second Revised Volume No. 1. Transco further states that this filing is in compliance with the Commission's letter order issued August 30, 1979 in Docket No. RP73–3 (PGA79–2); that the rates as filed reflect the elimination of costs which producer/suppliers are not authorized to charge on September 1, 1979 under the conditions set out in the August 30, 1979 letter order; and that included in the filing is supporting information as detailed in Appendix A to such August 30, 1979 letter order.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–31459 Filed 10–10–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. RP79–81]

Texas Eastern Transmission Corp.; Petition for Advance Approval of Rate Treatment

October 4, 1979.

Take notice that on September 21, 1979, Texas Eastern Transmission Corporation (Texas Eastern) filed a petition with this Commission in which it seeks advance approval for rate treatment of certain research, development, and demonstration costs related to the demonstration of the commercial feasibility of producing natural gas from coal seams. The petition is filed pursuant to Section 154.38(d)(5)(i) of the Commission's regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene, a protest and comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 1, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–31460 Filed 10–10–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER79–671]

Virginia Electric & Power Co.; Proposed Letter Agreement

October 4, 1979.

Take notice that on September 24, 1979 the Virginia Electric and Power Company (VEPCO) tendered for filing proposed Prince William Electric Cooperative Letter Agreement dated May 10, 1979.

The proposed letter agreement will allow VEPCO to own and maintain excess facilities it has installed which are not normally required for 69 kV and 13.2 kV metering for its billing in order to provide Prince William Electric Cooperative (PWEC) with data pulses to its equipment at five delivery points in order to monitor KW demand as requested by PWEC.

The term of the proposed letter agreement will be for an initial period of ten years from September 10, 1979, the date of connection of the special metering equipment. The proposed effective date will be September 10, 1979.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 23, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–31461 Filed 10–10–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER79–539]

Central Maine Power Co., Order Denying Motion To Reject, Accepting for Filing and Suspending Rate Increase, Granting in Part and Denying in Part Motion for Summary Disposition, Granting Interventions, and Establishing Price Squeeze and Other Procedures

Issued: September 28, 1979.

On July 30, 1979, Central Maine Power Company (CMP) submitted for filing a proposed rate increase to its four wholesale customers.[1] The proposal would increase revenues by $230,451, based on a Period I test year that ended on December 31, 1978.[2] CMP requests an effective date of October 1, 1979.

Notice of the submittal was issued on August 2, 1979, with all protests and petitions to intervene due on or before August 27, 1979. On August 27, 1979, all of the wholesale customers (Petitioners) filed a Protest, Petition to Intervene, Motion to Reject, or In The Alternative Motion for Summary Disposition of Certain Issues, Request for Five-Month Suspension, And Motion For Proceedings Pursuant to Section 206 of the Federal Power Act. CMP filed a response to Petitioners' pleading on September 11, 1979. Petitioners have demonstrated an interest in this docket which may be directly affected and shall be permitted to intervene in the proceeding.

Our review of CMP's filing indicates that the proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Therefore, we shall accept CMP's proposed rates for filing and suspend them for five months to become effective March 1, 1980, subject to refund, pending the outcome of a hearing.

Motion to Reject

Petitioners assert that the CMP submittal should be rejected because it does not comply with the filing requirements of Section 35.13(b)(4)(iii) of

[1] The wholesale customers are Kennebunk Light & Power District, Madison Works, Fox Islands Electric Cooperative, Inc., and Carrabassett Light and Power Company.

[2] Rate Schedule Designation—FERC Electric Tariff, 2nd Revised Volume No. 1.

the Commission's Regulations. Since the proposed rate increase is less than $1 million, CMP chose to file only Period I data in support of its proposal. However, in addition to the historical data, CMP submitted adjustments to the cost of service to take into account known and measurable changes which would take place within eight months of the end of the test period. Petitioners contend that the regulations require unadjusted system costs for Period I, that CMP has provided no support for its adjustments, and that therefore the filing should be rejected.

CMP responds that the requirement of no adjustments to Period I data should only apply in the event that no future test period (Period II) filing is made. CMP cites *Boston Edison Company*, FERC Opinion No. 53, (July 31, 1979), slip op. at 3, as support for its position that adjustments to Period I data are permissible.

We reach the same results as CMP on this point. Our regulations provide a minimum filing requirement of unadjusted data for Period I. The utility may also submit data which reflects adjustments for cost changes that are both known and measurable and that will take place within eight months after the end of the Period I test year. This has been the Commission's position in *Boston Edison, supra*, and reflects Commission policy prior to the issuance of FPC Order No. 487, 50 FPC 125 (1973) which established the additional Period II test year concept. *See, Kansas City Power & Light Co.*, Docket No. ER79-166, order issued August 10, 1979. Consequently, we shall deny Petitioners' motion to reject the filing.

Motion for Summary Disposition

Petitioners request that the Commission grant summary disposition of four issues: (1) the failure to deduct the amout in Account 281 (Accumulated deferred income taxes-Accelerated amortization property) form CMP's rate base; (2) the failure to functionalize general plant investment and expenses on the basis of labor ratios; (3) the inclusion of equity investment of subsidiary or associated companies in CMP's rate base; and (4) the inclusion of equity investment in associated companies in the common equity component of CMP's capital structure.

In response, the Company contends that these issues are not appropriate for summary disposition but, rather, should be left for determination at hearing since there are outstanding issues of fact to be resolved. Moreover, with respect to the general plant issue, CMP asserts that the Company "in fact utilized labor ratios to allocate these items."

We shall only grant summary disposition on the issue of the failure to reduce rate base by the amount in Account 281. This issue is well-settled. *Minnesota Power & Light Company*, Opinion No. 12, issued April 14, 1978; *Carolina Power and Light Company*, Opinion No. 19, issued August 2, 1978; *Public Service Company of Oklahoma*, Docket No. ER78-511, order issued October 12, 1978. However, we shall not require CMP to revise its rates at this time.

We are unable to determine from the filing the precise method utilized by CMP to functionalize its costs related to general plant. This issue shall remain for determination at the hearing which we shall subsequently order. We note, however, that in the event CMP has failed to functionalize general plant on the basis of labor ratios, CMP shall have "the burden of showing that use of labor ratios is unreasonable as applied to the company." *Central Kansas Power Company*, Docket No. ER79-90, Order issued January 31, 1979.[3]

The remaining requests for summary disposition shall be denied. They involve questions of fact that are better left for adjudication in which a full record can be developed.

Cost of Service Issues

Petitioners raise a large number of cost of service issues, including the appropriate treatment of rate base items, transmission plant allocation, general plant and administrative and general expenses (A&G) methodologies, inclusions of certain investments in the rate base or the capital structure, research and development expenditures, annualized wage increases, appropriate capitalization and rate of return. Petitioners shall be afforded the opportunity to litigate all of the contested issues set forth in their pleading in this proceeding.

Price Squeeze and Additional Procedures

Petitioners claim that the proposed increase rates will result in a price squeeze when compared with CMP's effective GS-3 retail rate. We shall order an examination of the price squeeze issue in accordance with recent Commission precedent on price squeeze procedures.

Petitioners have also requested the Commission to initiate a Section 206 proceeding to determine whether CMP's present rate should be reduced below the current level. This request for a separate investigation is unnecessary, because all rate proceedings initiated under Section 205 of the Federal Power Act involve determinations under Section 206 as well. "It is the entire rate, not just the increase which is the subject of investigation." *Southern California Edison Co.*, Docket No. ER79-150, order issued March 15, 1979, mimeo at 5.

In an effort to expedite resolution of this proceeding, we shall order a prehearing conference shortly after the issuance of this order for the purpose of resolving disputes concerning discovery of information pertinent to this docket.

The Commission Orders: (A) Central Maine Power Company's proposed rates are herby accepted for filing and suspended for five months until March 1, 1980, when they shall become effective, subject to refund.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed in this docket by the Central Maine, as well as the justness and reasonableness of the current levels of rates effective for Petitioners.

(C) The Petitioners listed in footnote 1, *supra*, shall be permitted to intervene in this proceeding pursuant to Section 1.8(a) of the Commission's Rules, subject to the Rules and Regulations of the Commission; *Provided, however*, that participation by the intervenors shall be limited to matters set forth in their notices or petitions to intervene; and *Provided further*, that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(D) Petitioners' motion to reject CMP's rate filing is hereby denied.

(E) Petitioners' motion for summary disposition is hereby granted in part and denied in part consistent with the discussion above.

(F) An administrative law judge shall be designated by the Chief Administrative Law Judge for purposes of convening a prehearing conference in this proceeding within forty-five (45) days of the issuance of this order for the purpose of resolving any disputes or uncertainty regarding the discovery requests of any party. A second prehearing conference shall be convened within ten (10) days of the

[3] See also *Southern California Edison Co.*, Docket No. ER79-150, order issued March 15, 1979; and *Minnesota Power and Light Company*, Opinion No. 20, issued August 3, 1978.

service of Staff top sheets. The conferences shall be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding law judge is authorized to establish all procedural dates and to rule upon all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and procedure.

(G) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The Presiding Judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in Section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) Staff shall serve top sheets in this proceeding on or before January 9, 1980.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31395 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. GP79-131, GP79-132, GP79-133, GP79-134, GP79-135]

Columbia Gas Transmission Co. v. R. E. Riley and Thadeus Scott, Agent, Appalachian Exploration Development, Inc., Eason Oil Co., Ashland Exploration, Inc., Devon Corp.; Protests

October 3, 1979.

Take notice that on September 13, 1979, Columbia Gas Transmission Company (Columbia) filed with the Federal Energy Regulatory Commission (Commission) pursuant to 18 C.F.R. § 154.94, protests to the blanket affidavits and/or interim collection filings of five producers insofar as they relate to the following contracts and to the contractual authority thereunder to collect maximum lawful prices under the following sections of the Natural Gas Policy Act of 1978 (NGPA):

R. E. Riley and Thadeus Scott, Agent, Rate Schedule No. 3—NGPA § 104.
Appalachian Exploration and Development, Inc., Rate Schedule No. 6—NGPA §§ 104, 108.
Appalachian Exploration and Development, Inc., Rate Schedule No. 2—NGPA §§ 104, 108.
Eason Oil Company, Rate Schedule No. 34—NGPA §§ 104, 108.
Ashland Exploration, Inc., Rate Schedule No. 89—NGPA §§ 104, 108.
Devon Corp., Rate Schedule No. 7—NGPA §§ 104, 108.
Devon Corp., Rate Schedule No. 6—NGPA §§ 104, 108.
Devon Corp., Rate Schedule No. 15—NGPA §§ 104, 108.
Devon Corp., Rate Schedule No. 20—NGPA §§ 104, 108.
Devon Corp., Rate Schedule No. 8—NGPA §§ 104, 108.

Columbia asserts that the above listed producers have claimed contractual authority to collect the maximum lawful prices under the above listed sections of the NGPA, but that the above listed applicable contracts do not authorize the collection of those prices.

These contracts are on file with the Commission and are open to public inspection.

Any person desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before October 17, 1979, a petition to intervene in accordance with 18 C.F.R. § 1.8. After that date, these protests will be forwarded to the Commission's Chief Administrative Law Judge for disposition in accordance with Order 23-B (44 F.R. 38834, July 3, 1979).

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31399 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-68]

Consumers Power Co.; Application

October 3, 1979.

Take notice that on September 13, 1979, Consumers Power Company, a corporation organized under the laws of the State of Michigan, with its principal business office in Jackson, Michigan, filed an application pursuant to Section 204 of the Federal Power Act, seeking authority to issue up to $500 million unsecured short-term notes and commercial paper, on or before December 31, 1980, and to mature on or before December 31, 1981.

The short-term debt will be used to finance construction costs pending permanent financing.

Any person desiring to be heard or to make any protests with reference to said Application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 15, 1979. The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31400 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-195]

Distrigas Corp., Distrigas of Massachusetts Corp.; Change of Date of Informal Conference

October 3, 1979.

Take notice that an informal conference of all interested persons was previously set in the above-captioned matter for September 27, 1979. That conference will now be held at the offices of the Federal Energy Regulatory Commission, 941 North Capitol Street, Washington, D.C. 20426, Room 3401, on October 16, 1979.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention.

All parties will be expected to appear fully prepared to discuss any procedural matters and explore or make commitments with respect to any or all of the issues and any offers of settlement or stipulations discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31401 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-566]

Interstate Power Co.; Order Accepting Rates for Filing, Suspending Proposed Rates, Denying Request for Rejection, Granting Intervention and Establishing Procedures

Issued: September 28, 1979.

On August 1, 1979, Interstate Power Company (Interstate) tendered for filing a proposed increase in rates for firm power service to its 19 wholesale customers.[1] The proposed rates would result in an increase of $569,820 (15.19%) based on the twelve-month period ending December 31, 1978. Interstate has requested an effective date of October 1, 1979.

Notice of the filing was issued on August 14, 1979, with protests or petitions to intervene due on or before

[1] See Attachment for rate schedule designations.

August 31, 1979. On August 31, 1979, the Village of Hanover, Illinois (Hanover) filed a protest. Hanover claims that the demand rate charged by Interstate is excessive. Hanover also questions Interstate's use of a reactive demand charge, its method of comparative billing and the accuracy of the percentage figure of 15.9% used by Interstate to reflect its proposed rate increase.

On September 5, 1979, the City of St. Charles, Minnesota (St. Charles) filed a petition to intervene in the instant docket. St. Charles requests that its petition be accepted for filing despite the fact that such petition is untimely, that this Commission find Interstate's filing to be deficient, and that Interstate's proposed rates be suspended for five months.

St. Charles has claimed that Interstate's filing is deficient in that, contrary to the Commission's regulations, Interstate did not make timely service of its application and filing on St. Charles. St. Charles claims that as a result of this deficiency, the city was unable to file a timely petition to intervene nor to itemize its objections to Interstate's filings. St. Charles therefore requests that this Commission reject interstate's filing.

The Company has represented in its submittal to this Commission that on July 30, 1979, it served true and complete copies of its filing on all parties listed on its Certificate of Service, including the city of St. Charles, and St. Charles admits in its pleading that it received a copy of the proposed tariff and billing comparisons. Therefore we find that Interstate has complied with our regulations requiring timely service of proposed rate schedules on affected customers. 18 C.F.R. §§ 35.1(a) and 35.2(d). Nevertheless, our review indicates that St. Charles may be adversely affected by any Commission action taken in this proceeding and that Interstate's interest is of such a nature that its participation may be in the public interest. We will therefore permit St. Charles to intervene late.

We note that Hanover has filed a protest pursuant to Section 1.10 of the Commission's Rules and Regulations. It has not requested to intervene pursuant to Section 1.8 of the Regulations. Therefore we will not make Hanover a party to this docket but will place its protest in the public files to be made available to the Commission Staff and to other parties as appropriate.

In its petition St. Charles has suggested the possibility of the existence of a price squeeze situation. Pursuant to the policy set forth in Order No. 563, and in Section 2.17 of our Regulations, we find it is appropriate that price squeeze procedures be initiated in this case. In the interests of administrative economy, this Commission has decided that newly docketed rate proceedings in which price squeeze issues are raised should be phased so that a decision may first be reached on cost of service, capitalization and rate of return issues. It is our hope that the decisions we reach on those issues will often reduce proposed wholsale rates to the point where price squeeze concerns are eliminated, or at least substantially diminished. If the price squeeze persists, in the view of the alleging party, a second phase of the proceeding will follow. Accordingly, this portion of the case will be phased.

There may be situations in which price squeeze issues should not be deferred and we leave it to the discretion of the presiding judges to determine whether the price squeeze discovery or hearing portions of a case should proceed immediately. Presiding judges may act on their own motions or on the request of a party to accelerate price squeeze proceedings; however, these are discretionary rulings which will not be appealable to the Commission under Section 1.28 of our Rules of Practice and Procedure.

Our review indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or othewise unlawful. Therefore, we shall accept Interstate's submittal for filing and suspend the proposed rates for five months to become effective March 1, 1980, subject to refund.

The Commission orders: (A) The rates proposed by Interstate are hereby accepted for filing and suspended for five months, to become effective March 1, 1980, subject to refund.

(B) St. Charles' motion to reject the filing in whole or in part is hereby denied.

(C) The Village of Hanover's protest shall be placed in the public files pursuant to Section 1.10 of the Commission's Rules and Regulations.

(D) The City of St. Charles, Minnesota is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation of St. Charles shall be limited to the matters set forth in its petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be constructed as recognition by the Commission that it might be aggrieved by any orders entered in this proceeding.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I) a public hearing shall be held concerning the justness and reasonableness of the rate schedules proposed by Interstate in the instant docket.

(F) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The Presiding Judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in Section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Staff shall serve top sheets in this proceeding on or before January 23, 1980.

(H) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose, shall convene a prehearing conference in this proceeding, to be held within 45 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington. D.C. 20426. That conference shall be for the purpose of resolving any problems relating to the data requests of the staff and the intervenors. Within 10 days of the service of top sheets, the presiding administrative law judge shall convene a second prehearing conference. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(I) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment 1

Interstate Power Company, Docket No. ER79-566

Filed: August 1, 1979.
Dated: July 30, 1979.

Rate Schedule Designations and Other Party

(1) Second Revised Sheet No. 1 under FPC Electric Tariff, Original Volume No. 1 (Supersedes First Revised Sheet No. 1)—All Tariff Customers Original Volume No. 1
(2) Supplement No. 3 to Rate Schedule FPC No. 120 (Supersedes Supplement No. 1)—City fo Bellevue, Iowa
(3) Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 116—City of Blue Earth, Minnesota
(4) Supplement No. 2 to Supplement No. 2 to Rate Schedule FPC No. 110 (Supersedes Supplement No. 1 to Supplement No. 2)—City of Independence, Iowa
(5) Supplement No. 1 to Supplement No. 3 to Rate Schedule FPC No. 104—City of McGregor, Iowa
(6) Supplement No. 1 to Supplement No. 2 to Rate Schedule FPC No. 40—City of Windom, Minnesota
(7) Supplement No. 3 to Rate Schedule FPC No. 115 (Supersedes Supplement No. 1)—City of Strawberry Point, Iowa

[FR Doc. 79-31397 Filed 10-10-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. SA79-28]

The Inland Gas Co., Inc.; Notice of Application for Adjustment

October 3, 1979.

Take notice that on September 12, 1979, The Inland Gas Company, Inc. (Inland), P.O. Box 1180, Ashland, Kentucky 41101, filed in Docket No. SA79-28 an application for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) wherein Inland seeks exemption from the tariff filing requirements of section 281.204 of the Commission's Regulations under the NGPA, all as more fully set forth in the application for adjustment.

Section 281.204 of the Commission's Regulations requires the filing of tariff sheets regarding curtailment plans, the filing of indices of entitlements regarding high-priority and essential agricultural users, the attribution of natural gas, and the establishment of a Data Verification Committee. Inland requests that it be permitted to revise its FERC Gas Tariff, First Revised Volume No. 1, to provide for the protection of high-priority and essential agricultural uses in a manner different than that contemplated by the NGPA and the Commission's Regulations. Specifically, Inland proposes to change section 1 of its tariff to exclude essential agricultural uses from the definition of "Affected Services", i.e., those services subject to curtailment, and to delete section 3.2, which provides interim protection for esential agricultural uses in compliance with the Commission's March 6, 1979, order in Docket No. RM79-13. Inland believes that the public interest would be better served by allowing this adjustment since Inland now has only one curtailable customer on its system that qualifies as an essential agricultural user. This customer, A. C. Lawrence Leather, has a contract with Inland for the purchase of 303 Mcf of gas per day. Inland's total daily supply is in excess of 51,000 Mcf of gas per day.

Inland further requests that, in the event its application for an adjustment cannot be granted prior to October 31, 1979, it be granted interim relief in the form of an order permitting tariff section 3.2 to remain in effect until the Commission either grants or denies the adjustment.

Any person desiring to participate in this adjustment proceeding shall file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene in accordance with the provisions of Section 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41). All petitions to intervene must be filed on or before October 26, 1979.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31404 Filed 10-10-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. EL79-24]

Kennebunk Light & Power District; Notice of Declaration of Intention To Redevelop Hydroelectric Facilities

October 3, 1979.

Take notice that on August 3, 1979, Kennebunk Light and Power District (Declarant) filed, pursuant to the Federal Power Act [16 U.S.C. § 791(a)—825(r)], a declaration of its intention to redevelop three hydroelectric generating sites. The intended redevelopment would occur at dam sites located on the Mousam River in York County, Maine. Correspondence with the Declarant regarding the declaration of intention should be sent to: Phillip R. Davis, General Manager, Kennebunk Light and Power District, 36 Water Street, Kennebunk, Maine 04043.

Declarant intends to remove three breached timber crib dams and replace the breached structures with concrete dams of sufficient height to resore historical water levels. Generating equipment and appurtenant facilities would be installed or redeveloped so that the projects would utilize existing water rights and would be operated as run-of-the-river plants. Power generated by the projects would be used in Declarant's distribution system.

As described in the declaration of intention, the three projects would be:

(A) The Dane Perkins Project which would consist of: (1) an 8-foot-high concrete dam replacing a wood crib dam breached in 1977; (2) a 10-acre reservoir; (3) a new powerhouse with a single 80-kW generator and; (4) appurtenant facilities.

(B) The Twine Mill project which would consist of: (1) a 22-foot-high concrete dam replacing a wood crib dam breached in 1960; (2) a 12-acre reservoir; (3) an existing powerhouse with a single 80-kW generator and; (4) appurtenant facilities.

(C) The Rogers Fiber Project which would consist of: (1) a 22-foot-high concrete dam replacing a wood crib dam breached in 1960; (2) a 6-acre reservoir; (3) an existing powerhouse with a single 400-kW generator and; (4) appurtenant facilities.

The declaration of intention was filed in accordance with section 23(b) of the Federal Power Act (Act), 16 U.S.C. § 817(b). As required by the Act, the Commission will commence an investigation to determine if FERC licenses will be required for the proposed projects.

Anyone desiring to be heard in regard to this declaration of intention should file comments or a petition to intervene with the Federal Energy Regulatory Commission in accordance with the requirements of the Commission's Rules of Practice and Procedure ("Rules"), 18 CFR § 1.10 or § 1.8 (1977). The Commission will consider all comments filed, but a person who merely files a comment does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comment or petition to intervene must be filed on or before November 9, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The declaration of intention is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 7-31405 Filed 10-10-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket Nos. RP78-85 and 86]

Village of Pawnee, Illinois, et al. Complainant v. Panhandle Eastern Pipe Line Company, Respondent and Kaskaskia Gas Company, et al. Complainant v. Trunkline Gas Company, Respondent; Notice of Informal Conference

October 3, 1979.

On August 30, 1978, the Village of Pawnee, Illinois, *et al.*[1] (Pawnee Petitioners) in Docket No. RP78-85, and the Kaskaskia Gas Company, *et al.*[2] (Kaskaskia Petitioners) in Docket No. RP78-86, as amended on November 20, 1978, jointly referred to as Complainants, filed petitions for relief, pursuant to the provisions of Section 7 of the Natural Gas Act and the regulations thereunder from certain provisions contained in the effective FERC Tariffs of Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline), respectively.

Specifically, Complainants seek relief from the provisions in Panhandle's and Trunkline's tariffs that assess a penalty at a rate of ten dollars ($10.00) per Mcf for volumes of natural gas taken in excess of the curtailment orders prescribed by Panhandle and Trunkline pursuant to terms of their currently effective tariffs on file with the Commission,[3] Pawnee Petitioners purchase their total supply of natural gas from Panhandle under that pipeline's G-2 and SG-2 rate schedules as small customers having a contract demand of less than 6,000 Mcf per day. Kaskaskia Gas Company purchases its total supply for the community of Xenia and all other Kaskaskia Petitioners purchase their total natural gas supply from Trunkline under that pipeline's SG-1 rate schedule, as small customers.

The Complainants generally assert that under Section 16.5(c)(4) of Panhandle's FERC Tariff and Section 17.5(b)(2)(i)(a) of Trunkline's FERC Tariff they are effectively precluded from adding new customers to their systems while other classes of Panhandle and Trunkline customers are clearly not subject to such restrictions. Complainants contend that these provisions are clearly discriminatory and that they should be afforded the relief that they request.

Complainants assert that in order to remain free of the ten dollars per Mcf penalty imposed for volumes taken in excess of their respective pipeline suppliers' curtailment orders they must abide by the curtailment tariff provisions applicable to them. They stress that in order to do so they are unable to add any new customers because they cannot risk the loss of exemption from such penalties for overruns of assigned monthly curtailment volumes. Complainants contend that because of these restrictive provisions they have not been attaching any new Priority No. 1 loads, even though they have sufficient peak day gas volume capability to serve new residential and small commercial customers.

An informal conference will be held at the Offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on October 18, 1979, at 10:00 a.m. in order to determine whether the problems raised by the Complainants in the petitions they filed in the above-styled proceedings can be resolved. All interested parties are invited to attend this conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31406 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[1] The Village of Pawnee, Illinois, a municipal corporation was joined in the petition filed in Docket No. RP78-85 by: City of Auburn, Illinois, a municipal corporation; City of Bushnell, Illinois, a municipal corporation; Village of Divernon, Illinois, a municipal corporation, City of Pittsfield, Illinois, a municipal corporation, Village of Pleasant Hill, Illinois, a municipal corporation; Village of Riverton, Illinois, a municipal corporation; City of Montgomery, Missouri, a municipal corporation and Town Gas Company, a corporation and public utility operating in the State of Illinois.

[2] Kaskaskia Gas Company, a corporation and public utility operating in the State of Illinois was joined in the petition filed in Docket No. RP78-86 by: Village of Cisne, Illinois, a municipal corporation, City of Fairfield, Illinois, a municipal corporation, Village of Louisville, Illinois, a municipal corporation, City of McLeansboro, Illinois, a municipal corporation, City of Vienna, Illinois, a municipal corporation and the Village of Wayne City, Illinois, a municipal corporation.

[3] See Section 16.5(c)(4) of the General Terms and Conditions of Panhandle's FERC Tariff, and Section 17.5(b)(2)(i)(a) of the General Terms and Conditions of Trunkline's FERC Tariff. Complainants seek to revise the aforementioned tariff provisions and have submitted proposed revisions to these provisions in their petitions filed on August 30, 1978, and in their amendments thereto filed on November 20, 1978.

[Docket No. RP73-3 (PGA79-3)]

Transcontinental Gas Pipe Line Corp.; Notice of Tariff Filing

October 3, 1979.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing Sixteenth Revised Sheet No. 12 and Fifteenth Revised Sheet No. 15 to Second Revised Volume No. 1 of Transco's FERC Gas Tariff. These tariff sheets, which are tendered in a special PGA tracking rate filing and which are proposed to be effective November 1, 1979 reflect a 2.2¢ per dekatherm (dt) increase in the commodity or delivery charge of Transco's CD, G, OG, E, PS, S-2 and ACQ rate schedules.

Transco states that this special filing is made to correct an inadvertent mathematical error in Transco's August 1, 1979 PGA tracking rate filing proposed to be effective September 1, 1979. The purchased gas quantity in that filing did not accurately reflect the volumes contained in the Company's books and was understated by approximately 50 million Mcf, with the result that the applicable sales rates reflected in such filing were understated.

Transco further states that if the Commission accepts the tariff sheets to be effective November 1, 1979 as proposed, Transco will be in an undercollection status for the months of September and October 1979. In order to recoup its total purchased gas costs as provided by its PGA provision, Transco proposes to increase the amounts normally charged to its Unrecovered Purchased Gas Cost Account by the amount undercollected in these two months, with actual recovery to be made in a subsequent PGA tracking filing.

Transco requests a waiver of its PGA clause as contained in the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1 and a waiver of such other Commission regulations as may be applicable so as to make this special PGA tracking filing effective November 1, 1979 and to defer the recovery of the undercollections for September and October, 1979 as proposed.

Alternatively, Transco states its willingness to defer the undercollections during the entire six-month period September 1979 through February 1980 and adjust its rates for the 2.2¢ per dt deficiency in its next regular PGA filing.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31407 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2942]

S. D. Warren Co.; Notice of Application for Major License for Constructed Project

October 3, 1979.

Take notice that an application was filed on August 14, 1979, under the Federal Power Act, 16 U.S.C. § 791a–825r, by S. D. Warren Company, a division of Scott Paper Company for a major license for the constructed Dundee Project located on the Presumpscot River in the towns of Gorham and Windham, Cumberland County, Maine. Correspondence with the applicant should be sent to: John B. Blatz III, Associate Counsel, S. D. Warren, a Division of Scott Paper Company, Scott Plaza One, Philadelphia, Pennsylvania 19113 and Bernard A. Foster, III, Nancy J. Hubbard, Ross, March & Foster, 730 15th Street, N.W., Washington, D.C. 20005. The Presumpscot River is a navigable water of the United States.

The Dundee Project No. 2942 consists of: (1) a 150-foot-long, 467-foot-high concrete overflow dam flanked on the east by a 175-foot-long, 50-foot-high earth dike, and flanked on the west by a 1050-foot-long, 50-foot-high earth dike; (2) a pond with negligible storage capacity and a normal water surface elevation of 187.22 feet (U.S.G.S.); (3) a 50-foot-long, 44-foot-high gate section located adjacent to the east abutment of the overflow dam containing: (a) two 11-foot-wide, 5-foot-high sluice gates; (b) one 11-foot-high, 5-foot-wide regulating gate; (4) a reinforced concrete powerhouse located adjacent to the gate section containing three 800-kW turbine generators; (5) a 1200-foot-long, 30-foot-wide, 11-foot-deep tailrace canal; and (6) appurtenant facilities.

The Dundee Project, with a total installed capacity of 2400 kW, was originally built in 1913. No major changes have been made to the facilities since that time except for normal and routine maintenance.

All power generated by the project is and will continue to be used by Applicant's Westbrook plant for operation of the facilities required for production of its paper products. Applicant is not a public utility and does not plan to become one.

Applicant has donated ten acres of shore frontage, approximately 1.5 miles above the Dundee Dam, to the town of Windham, Maine, for a public park and has also provided a canoe portage along the western shore above and below the project dam. No additional recreational development is proposed by the Applicant.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest, petition to intervene, or agency comments must be filed on or before December 6, 1979. The Commission's address is: 825 N. Capitol Street, N.W., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31408 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP79-12]

El Paso Natural Gas Co.; Refund Report

October 3, 1979.

Take notice that on September 18, 1970 El Paso Natural Gas Company ("El Paso") tendered for filing its Refund Report under Article IV of El Paso's Stipulation and Agreement dated May 31, 1979, which provides the settlement of issues involved in the general rate increase proceeding before the Commission at Docket No. RP79–12 and for settlement rates to be effective as of June 1, 1979. Such Stipulation and Agreement was approved by the Commission's letter order dated July 20, 1979, at Docket No. RP79–12.

El Paso states that said letter order of July 20, 1979, directs El Paso to refund to its jurisdictional customers all amounts collected in excess of the approved settlement rates, together with interest as provided for in Section 154.67(c) of the Commission's Regulations, within forty-five (45) days from the date of such letter order. Such Commission directive is consistent with the provisions of Article IV, *Rate Reductions and Basic Refunds,* of the subject Stipulation and Agreement which sets forth the procedures to be utilized in determining the amount of basic refunds, and related interest, if any, due each of El Paso's jurisdictional customers and the reporting requirements associated with the ultimate distribution of such basic refunds. El Paso states that inasmuch as it has invoiced its customers for June, 1979, billings based upon the Docket No. RP79–12 settlement rates, adjusted for currently effective purchased gas cost adjustments and other surcharges, the refund provisions of Article IV of the Stipulation and Agreement at Docket No. RP79–12 are no longer applicable and the related basic refunds will not be necessary.

El Paso states that copies of the filing were served on all of El Paso's affected interstate transmission system customers, all parties of record in Docket No. RP79–12, and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before Oct. 15, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31402 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-71]

Gulf States Utilities Co.; Application

October 3, 1979.

Take notice that on September 21, 1979, Gulf States Utilities Company (Applicant) filed an Application with the Federal Energy Regulatory Commission pursuant to the Federal Power Act. Applicant is incorporated under the laws of the State of Texas with its principal business office in Beaumont.

Texas, and is qualified to do business in the State of Louisiana. Applicant is engaged in the electric utility business in portions of the States of Texas and Louisiana, and Applicant also purchases natural gas at wholesale for retail distribution in the City of Baton Rouge, Louisiana, and vicinity.

In the Application, Applicant seeks an order from the Commission (1) disclaiming jurisdiction over the sale of Applicant's Nelson Unit #6 Facility to the Owner Trustee in connection with the leveraged lease of that Facility; (2) disclaiming jurisdiction over the Owner Trustee, the Equity Participants, the Loan Participants, the Interim Lenders, the Identure Trustee, and the Revenue Bond Trustee in connection with Applicant's leveraged lease of the Nelson Unit #6 Facility; (3) disclaiming jurisdiction over Applicant with respect to its entry into the Lease Agreement and the Participation Agreement as a part of the leveraged lease of the Nelson Unit #6 Facility, or alternatively approving Applicant's entry into such Agreements pursuant to Section 204 of the Act; (4) disclaiming jurisdiction as to the Lease Agreement constituting a sale of electric energy by the Owner Trustee as Lessor of the Nelson Unit #6 Facility under the leveraged lease; (5) authorizing Applicant (i) to issue its Term Loan Notes and/or to assume the Interim Notes, (ii) to assume the Owner Trustee's Secured Notes or at the option of Applicant, to exchange Applicant's bonds for the Notes, and (iii) to assume all of the obligations of the Owner Trustee in respect of the Revenue Bonds, in the event that Applicant repurchases the Nelson Unit #6 Facility from the Owner Trustee prior to the In-Service Date of the Facility; and (6) authorizing, to the extent the Commission has jurisdiction, all of the transactions comprising a part of the proposed leveraged lease of Applicant's Nelson Unit #6 Facility.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 15, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31403 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-544]

Idaho Power Co.; Order Accepting for Filing and Suspending Proposed Electric Rates, Granting Intervention and Establishing Procedures

Issued: September 28, 1979.

On July 30, 1979, Idaho Power Company (Idaho Power) filed a proposed wholesale rate increase to the Oregon Division of C–P National Corporation (C–P National)[1] and the City of Weiser, Idaho (Weiser).[2] The proposed rates will increase revenues from C–P National and Weiser by $1.18 million and $221,000, respectively, for the test year ending on December 31, 1979. Idaho Power requests an effective date of October 1, 1979.

Public notice of the filing was issued on August 2, 1979, with protests and petitions due on or before August 27, 1979. Notices of Intervention were filed by the Public Utility Commissioner of Oregon, by the Idaho Public Utilities Commission and by Weiser. On August 23, 1979, C–P National filed a petition for leave to intervene, requesting suspension of the proposed rates for at least one day and a hearing on the lawfulness of the proposed rate increase. Participation in this proceeding by C–P National may be in the public interest and its petition will be granted.

Our review of Idaho's filing indicates that the proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Therefore, we shall accept Idaho's proposed rates for filing and suspend them for five months to become effective March 1, 1980, subject to refund.

The Commission Orders:

(A) Idaho Power's proposed rates are hereby accepted for filing and suspended for five months until March 1, 1980, when they shall become effective, subject to refund.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed in this docket by Idaho Power.

(C) The Public Utility Commissioner of Oregon, the Idaho Public Utilities Commission, and the City of Weiser shall be intervenors in this proceeding pursuant to Section 1.8(a) of the Commission's Rules, and the petition to intervene of C–P National is hereby granted, subject to the Rules and Regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their notices or petitions to intervene; and *Provided further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of orders by the Commission entered in this proceeding.

(D) An administrative law judge shall be designated by the Chief Administrative Law Judge for purposes of convening a prehearing conference in this proceeding within forty-five (45) days of the issuance of this order for the purpose of resolving any disputes or uncertainty regarding the discovery requests of any party. A second prehearing conference shall be convened within ten (10) days of the service of Staff top sheets. The conferences shall be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding law judge is authorized to establish all procedural dates and to rule upon all motions (except motions to consolidate and sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before January 11, 1980.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-31396 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

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[1] Supplement No. 3 to Rate Schedule No. 57 (supercedes Supplement No. 2).

[2] Supplement No. 3 to Rate Schedule FPC No. 42.

Office of Consumer Affairs

Consumer Affairs Advisory Committee and Subcommittees; Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. Law 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee and subcommittees meetings:

TITLE: Consumer Affairs Advisory Committee.

DATE, TIME, AND PLACE: Monday, October 29, 1979 and Tuesday, October 30, 1979, Room GE033 and BE 069, Forrestal Building, 1000 Independence Ave., S.W., Washington, D.C. 20585.

See agenda below for specific time of full committee and subcommittee meetings.

CONTACT: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Room 8G087, 1000 Independence Ave., S.W., Washington, D.C. 20585, Telephone: 202-252-5187.

PUBLIC PARTICIPATION: The meetings are open to the public. The Chairpersons of the Committee and Subcommittees are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee or Subcommittees will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements pertaining to agenda items should call the Advisory Committee Management Office at the above number at least 5 days prior to the meeting concerned and reasonable provision will be made to include their presentation on the agenda.

TRANSCRIPTS: Available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

EXECUTIVE SUMMARY: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

PURPOSE OF COMMITTEE: The purpose of the Committee is to provide the Secretary of Energy with diversified expert advice from qualified individuals relating to the identification and evaluation of the impact of proposed or existing energy policies and programs on consumers, the identification of areas where new policy initiatives or program change is needed, and planning, developing, and implementing equitable energy policies and programs.

TENTATIVE AGENDA: Monday, October 29, 1979.

Full Committee Meeting—Room GE033

9:00—Welcome.
9:30—DOE Initiatives.
9:45—Congressional Report.
11:15—Special Energy Assistance.
12:00—Public Comment (10 minute rule)
Recess of Full Committee until 1:15 p.m., October 30, 1979.

Utilities, Petroleum and Coal Subcommittee—Room BE069

1:30—Update/Orientation.
1:45—Home Heating Oil Supply and Price Status Report.
2:00—Crises Assistance Program Discussion, Community Services Administration.
2:45—Report on what DOE is doing with PURPA.
3:30—DOE Estimates of the Costs and Benefits in Coal Gasification.
4:15—Public Comment (10 minute rule).

Appropriate Energy Sources Subcommittee—Room GE033

1:30—Update/Orientation.
2:00—Discussion on Graphite Lubrication.
2:30—New DOE Organization: Renewable Energy Sources.
3:00—Consumer Cooperative Bank Bill—Status Report.
3:30—Solar Bank Bill Status Report.
4:15—Public Comment (10 minute rule).

Tuesday, October 30, 1979.

Policy and Program Management Subcommittee—Room BE069

9:00—Update/Orientation.
9:30—Set Aside Program Status Report.
10:00—Discussion of Dealer Profit Margins.
11:00—FERC (Proposed Alaska Gas Pipeline Contract).
11:45—Public Comment (10 minute rule).

Special Energy Impacts Subcommittee—Room GE033

9:00—Update/Orientation.
9:30—Discussion on the Impact of the Natural Gas Policy Act.
10:30—Federal Low Income Assistance Programs Legislation and Regulations.
11:45—Public Comment (10 minute rule).

Full Committee Meeting—Room GE033

1:15—Discussion on Campaign for Lower Energy Prices and Synfuels Program Status Report—Citizen/Labor Energy Coalition and Consumer Energy Council of America.
2:15—Subcommittee Reports.
4:00—Public Comment (10 minute rule).

Issued at Washington, D.C. on October 4, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79-31374 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Special Counsel for Compliance

[Case No. RCSF00401]

Proposed Remedial Order to Cities Service Co.

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to Cities Service Company and of Opportunity for Objections.

Pursuant to 10 CFR 205.192(c), the Special Counsel for Compliance, Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Cities Service Company (Cities) First National Towers, P.O. Box 300, Tulsa, Oklahoma 74102.

The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning Cities' failure to supply E. L. Morgan Company, Inc. (Morgan) with Morgan's entire base period entitlement of motor gasoline. According to the Proposed Remedial Order, Cities was obligated to so supply Morgan because Morgan had properly and timely designated Cities as its sole base period supplier pursuant to 10 CFR 211.105(d) of the Mandatory Petroleum Allocation Regulations. That provision permits the designation of a firm as a sole base period supplier if the designated firm was a wholesale purchaser-reseller's supplier on February 28, 1979 and the wholesale purchaser-reseller was selling under that firm's brand on February 28, 1979. In addition, the wholesale purchaser-reseller making the designation must have been a branded marketer on February 28, 1979 and have had a base period supplier different from the designated firm. Morgan is a Tennessee-based distributor serving approximately 80 retail gasoline stations. Cities' refusal to accept Morgan's May 29, 1979 designation and its subsequent failure to supply Morgan with Morgan's entire base period volume constitutes a violation of the allocation regulations.

In accordance with 10 CFR 205.192(c), any person may obtain a copy of the Proposed Remedial Order, with confidential information, if any, deleted from the ERA.

Within 15 days after the date of publication of this notice, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. Such Notice should be filed with:

Office of Hearings and Appeals, Department of Energy, Room 8014, 2000 M Street, NW., Washington, D.C. 20461.

Copies of the Proposed Remedial Order may be obtained by written request addressed to:

Milton Jordan, Director, Division of Freedom of Information and Privacy Act Activities, Forrestal Building, Room GB-145, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the Proposed Remedial Order may be obtained in person from:

Office of Freedom of Information, Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Issued in Washington, D.C., September 17, 1979.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 79-31301 Filed 10-10-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1264-3]

Biscayne Aquifer; Notice of Determination

Notice is hereby given that pursuant to Section 1424(e) of the Safe Drinking Water Act (P.L. 93-523) the Administrator of the Environmental Protection Agency has determined that the Biscayne Aquifer is the sole or principal source of drinking water for public supply systems and individual wells in designated portions of Broward, Dade, Monroe, and Palm Beach Counties in Southeast Florida, and that the Biscayne Aquifer, if contaminated, would create a significant hazard to public health.

Background

The Safe Drinking Water Act was enacted on December 16, 1974. Section 1424(e) of the Act states:

"If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the **Federal Register**. After the publication of any such notice, no commitment for Federal Financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer".

On May 8, 1978, a petition was presented on behalf of Joseph E. Podgor, Jr., Nancy Carroll Brown, Marjory Stoneman Douglas, Marilyn Reed, Daniel F. Jackson, Ph. D., Pamela Pierce and Michael F. Chenoweth urging the U.S. Environmental Protection Agency to make a "Sole Source" determination under Section 1424(e) for the Biscayne Aquifer in Southeast Florida. The stated interest of the petitioners was in protecting their drinking water source from contamination.

A notice was published in the **Federal Register** on September 8, 1978, which acknowledged receipt of this petition and solicited comments, data, and references to additional sources of information which might contribute to the factual record. On October 26 and 27, 1978, EPA held public hearings in Miami and Sebring, Florida, to hear the views of parties interested in the Biscayne Aquifer determination issue. In addition to presentations made at the hearings, many individuals and groups submitted written comments.

After the December 7, 1978, deadline for submission of comments by the public, EPA reviewed all comments received as well as pertinent technical information on the Aquifer. The following facts emerged during the course of the review:

1. The Biscayne Aquifer is the "sole source" of drinking water for over 3,000,000 people in Southeast Florida, including those in cities and towns and those using individual wells.

2. The Biscayne Aquifer is highly permeable and vulnerable to contamination through its recharge zone, which permits rapid and direct infiltration of recharge waters and contaminants. Pollutants can readily enter the aquifer from land surfaces, controlled canals, septic-tank and other drain fields, drainage wells, solid-waste disposal sites, pits, ponds, lagoons, and other places where good hydraulic connections exist between the source of pollutants and the Aquifer.

3. There is evidence of localized contamination of the Aquifer from solid waste disposal sites and septic-tank drainfields.

4. Current practice for treatment of Biscayne Aquifer water used for drinking purposes ranges from complete chemical preparation and sand filtration for some systems to little or no treatment for others.

5. None of the systems treating Biscayne Aquifer water include processes to remove all chemical contaminants which may be hazardous to public health.

6. After reviewing the public hearings and written comments, there were no significant adverse comments to contradict any of the above conclusions.

Area of Review

Section 1424(e) requires that after publication of the Administrator's determination:

"* * * no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health * * *".

The recharge zone is that area through which water enters or could enter into the Aquifer.

The area in which projects may be reviewed is the area encompassed by: (1) the boundary of the Biscayne Aquifer; and (2) its streamflow source zones.

Description of Biscayne Aquifer and Its Recharge and Streamflow Source Zones

The Biscayne Aquifer supplies all municipal water-supply systems in Southeast Florida from Palm Beach County southward, including the system supplying the Florida Keys. The surface boundary of the Aquifer's recharge zone is identical with the boundary of the Aquifer.

The Biscayne Aquifer lies within an area of south Florida bounded by the Atlantic Ocean and Gulf of Mexico between Whitewater Bay in Monroe County and Delray Beach in Palm Beach County and by a line drawn from the mouth of Whitewater Bay northeasterly and northerly to the intersection of the northern boundary of Monroe County and the western boundary of Dade County and thence northerly and northeasterly to the intersection of the North New River Canal and the Boundary line separating Broward and Palm Beach Counties and finally east-northeasterly to Delray Beach. The enclosed area includes all of Dade County and parts of Broward, Monroe and Palm Beach Counties.

The streamflow source zone is within the boundaries of the South Florida Water Management District. It includes those portions of the District which ultimately reach the recharge zone by flow through canals or by natural drainage or by a combination of both. That area presently includes designated portions of Broward, Charlotte, Collier, Dade, Glades, Hendry, Highlands, Lake, Lee, Martin, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Polk and St. Lucie Counties. Some of the drainage basins which are included in the streamflow source zone are: Taylor Creek Basin, Fisheating Creek Basin and Kissimmee River Basin. A map of the area encompassed by the Biscayne Aquifer surface boundary and

streamflow source zone may be inspected at the public libraries in above-listed counties or at the offices of EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308.

Information

The information utilized in the determination includes:

(1) The Petition.

(2) Written and verbal comments submitted by the public and EPA's response to these comments.

(3) A technical support document: "Biscayne Aquifer, Southeast Florida" by H. Klein and J. E. Hull, U.S. Geological Survey, Water Resources Investigations 78-107, USGS, September 1978.

(4) A map of the area within which projects will be subject to review.

The proposed national regulations for implementation of Section 1424(e) of the Safe Drinking Water Act were published in the **Federal Register** dated September 29, 1977. They contain procedures for review of Federal financially assisted programs or actions which may contaminate "Sole Source" aquifers through the recharge zone as to create a significant hazard to public health. They are beign used as interim guidance until promulgation of final regulations.

Project Review

EPA is currently working with Federal Agencies which give financial assistance to projects, to develop procedures for notifying EPA of projects in the area of review which might contaminate the Aquifer.

EPA will evaluate such projects and, where necessary, will conduct an in-depth review, including soliciting public comments where appropriate.

More stringent review criteria will be applied to those projects that have a greater potential for contaminating the Aquifer, such as those located within the recharge zone.

When reviewing projects, EPA will consult with State and local control agencies to ensure that their views can be given full consideration and that their mechanisms for projecting the Aquifer and utilized to the maximum extent.

Federal funding will be withheld from projects found by review to be unacceptable when changes cannot be negotiated which will make the project acceptable to EPA.

Dated: October 2, 1979.

Douglas M. Costle,

Acting Administrator.

[FR Doc. 79-31288 Filed 10-10-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-30000/24B; FRL 1334-6]

Preliminary Notice of Determination Concluding the Rebuttable Presumption Against Registration of Pesticide Products Containing Thiophanate-Methyl; Notice of Availability of Position Document

I. Introduction

On December 7, 1977, the Environmental Protection Agency issued a notice of rebuttable presumption against registration and continued registration ("RPAR") of pesticide products containing thiophanate-methyl (42 FR 61971), a pesticide used mostly on turf and ornamentals to control fungus, and thereby initiated the Agency's public review of the risks of thiophanate-methyl. This Notice constitutes the Agency's Preliminary Notice of Determination pursuant to 40 CFR 162.11(a)(5), terminating the thiophanate-methyl RPAR.

The Agency has concluded that the presumption against thiophanate-methyl for mutagenicity effects on the basis of point mutations and non-disjunction has been successfully rebutted. The Agency has also concluded that the presumption issued against the use of thiophanate-methyl based on significant local reductions in earthworm populations has been rebutted.

On the basis of these determinations, the Agency has determined not to propose the issuance of a cancellation notice with respect to thiophanate-methyl. Hence, the registration will be allowed to continue in effect without modifications in the terms and conditions of registration. The Agency is however, requiring registrants and applicants for registration to submit additional data concerning mutagenic effects.

In view of the scientific issues raised in the mutagenicity presumption, the Agency is submitting this Notice of Determination and the accompanying position document for review by the Scientific Advisory Panel even though there is no statutory requirement for such a review. The Agency will consider the comments of the Scientific Advisory Panel before taking final action on its proposed decision regarding thiophanate-methyl and issuing a final Notice of Determination.

The remainder of this Notice and accompanying Position Document (PD 2) set forth in detail the Agency's analysis of comments submitted during the rebuttal phase of the thiophanate-methyl RPAR, and the Agency's reasons and factual bases for its proposed determination not to initiate cancellation proceedings for thiophanate-methyl. The Notice is organized into four sections. Section I is this introduction. Section II, titled "Legal Background," sets forth a general discussion of the regulatory framework within which action is taken by the Agency. Section III sets forth the Agency's determinations concluding the thiophanate-methyl RPAR; Section III and the accompanying Position Document set forth the bases for these determinations. Section IV, titled "Procedural Matters," provides a brief discussion of the procedures which will be followed in implementing the termination of the rebuttable presumption against thiophanate-methyl.

II. Legal Background

In order to obtain a registration for a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended ("FIFRA"), a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires (among other things) that the pesticide perform its intended function without causing "unreasonable adverse effects" on the environment [Section 3(c)(5)]. "Unreasonable adverse effects on the environment" are defined to include "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide" (FIFRA, Section 2(bb)). In effect, this standard requires a finding that the benefits of the use of any pesticide exceed the risks of use, when the pesticide is used in accordance with commonly recognized practice. The burden of proving that a pesticide satisfies the registration standard continues as long as the registration remains in effect. Under Section 6 of FIFRA, the Administrator is required to cancel the registration of a pesticide or modify the terms and conditions of registration whenever he determines that the pesticide no longer satisfies the statutory standard for registration.[1]

[1] Another part of the statutory standard for registration is that the pesticide must satisfy the labeling requirements of FIFRA. These requirements are set out in the statutory definition of "misbranded" (FIFRA Section 2(q)). Among other things, this section provides that a pesticide is misbranded if:

"The labeling * * * does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any * * * (restriction), imposed under Section 3(d) * * * are adequate to protect health and the environment."

The Agency can require changes to the directions for use of a pesticide in most circumstances either by finding that the pesticide is misbranded if the label is not changed, or by finding that the pesticide

Footnotes continued on next page

The Agency created the RPAR process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide a public, informal procedure for gathering and evaluating information about the risks and benefits of these uses.

The regulations governing the RPAR process are set forth at 40 CFR 162.11. This section provides that a rebuttable presumption shall arise if a pesticide meets or exceeds any of the risk criteria set out in the regulations. The Agency announces that an RPAR has arisen by publishing a notice in the **Federal Register**. After an RPAR is issued, registrants and other interested persons are invited to review the data upon which the presumption is based and to submit data and information to rebut the presumption. Respondents may rebut the presumption of risk by showing that the Agency's initial determination of risk was in error or by showing that use of the pesticide is not likely to result in any significant exposure to man or to animals or plants of concern with regard to the adverse effect in question.[2] Further, in addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risks of use.

The regulations require the Agency to conclude an RPAR by issuing a Notice of Determination in which the Agency states and explains its position on the question of whether the risk presumptions have been rebutted. If the Agency determines that the presumption has been rebutted, and hence that the risk of the use of the pesticide is not appreciable, a detailed analysis of the benefits of the use of the pesticide will not be performed. Where the risk trigger has been rebutted, such a benefits analysis is unnecessary to allow a conclusion that the pesticide does not appear to pose unreasonable adverse effects on the environment. The rebuttable presumption against registration process will terminate at this stage, and the registration of the pesticide will be allowed to continue without modifications in the terms and conditions of registration. (40 CFR 162.11(as)(5).)

In the event the presumptions are not rebutted, the Agency will consider information relating to the social, economic, and environmental costs and benefits of the pesticide. If the Administrator determines, after weighing risks against benefits, that regulatory measures are necessary to prevent unreasonable adverse effects on the environment under Sections 6(b) or 3(c)(6), he may propose risk reduction measures ranging from modifications in the terms and conditions of registration to cancellation or denial of registration.

FIFRA requires the Agency to submit cancellation notices issued pursuant to Section 6 to the Scientific Advisory Panel for review and comment on the health and environmental aspects of the proposed decision and to the Secretary of Agriculture for comments on the impact of the proposed decision on the agricultural economy. The Agency is not required to submit a decision not to initiate cancellation proceedings against a pesticide after an RPAR review to either the Scientific Advisory Panel or the Secretary of Agriculture for review and comment. Although there is no requirement for submission of the decision not to initiate cancellation proceedings for thiophanate-methyl to the Scientific Advisory Panel, the Agency, in the exercise of its discretion, has decided to treat this decision as a proposed decision and refer it to the SAP because of the important scientific issues concerning mutagenicity that were raised by the RPAR review. The referral action is being taken to assure that the Agency has based its determination on the most current knowledge in the expanding science of mutagenicity, and to afford interested persons an opportunity to comment on the proposed Agency determination. Appropriate steps will be taken to make copies of the Position Document available to registrants and other interested persons at the time the decision documents are transmitted for review by the Scientific Advisory Panel. The Scientific Advisory Panel, registrants and other interested persons will be given 30 days to submit comments; this time period is the same as that which the statute provides for review by the Scientific Advisory Panel of proposed notices of cancellation issued under Section 6(b).

The Agency has chosen to treat the determination to terminate the thiophanate-methyl RPAR as a preliminary determination, pending review by the Scientific Advisory Panel and Agency analysis of comments received from the Panel and other interested persons. On the basis of these comments, the Agency may issue the proposed decision in final form or make appropriate modifications.

III. Determination That the Rebuttable Presumption Has Been Rebutted

The Agency has considered information on the risks associated with the uses of thiophanate-methyl, including information submitted by registrants and other interested persons in rebuttal to the thiophanate-methyl RPAR. The Agency's assessment of the risks of the uses of thiophanate-methyl subject to this RPAR, and its conclusions and determinations whether any uses of thiophanate-methyl pose unreasonable adverse effects on the environment, are set forth in detail in the Position Document accompanying this Notice. This Position Document is hereby adopted by the Agency as its statement of reasons for the determination announced in this Notice. For the reasons summarized below and developed in detail in the Position Document, the Determinations of the Agency with respect to thiophanate-methyl are as follows:

A. *Determinations on Risks.* The thiophanate-methyl RPAR was based on information indicating that thiophanate-methyl posed the following risks to humans and the environment: (1) mutagenicity and (2) significant population reductions in non-target organisms.

As developed more fully in the Position Document, the Agency has determined that the presumption against thiophanate-methyl on mutagenicity grounds has been overcome. On the basis of the Agency's evaluation of the information submitted the Agency has determined that thiophanate-methyl and its metabolite MBC does not pose a significant mutagenic risk to humans as a point mutagen or as a spindle poison. Finally, the Agency has determined that the risk presumption for significant

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Footnotes continued from last page

would cause unreasonable adverse effects on the environment, unless labeling changes are made which accomplish risk reductions.

[2] 40 CFR 162.11(a)(4) provides that registrants and applicants may rebut a presumption against registration by sustaining the burden of proving:

"(1) In the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraphs (a)(3)(i) or (iii) that when considered with the formulation, packaging, method of use, the anticipated exposure to an applicator or user and to local, regional or national populations of non-target organisms is not likely to result in any significant acute adverse effects; or (ii) in the case of a pesticide which meets or exceeds the criteria for risk set forth in paragraph (a)(3)(ii) that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or environment likely to result in any significant chronic adverse effects; or (iii) that the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error."

A primary purpose of the RPAR process is to screen for appropriate action those pesticide uses which pose risks which are of sufficient concern to require the Agency to consider whether offsetting benefits justify the risks. Accordingly, the Agency's approach to rebuttal determinations concentrates on whether the risk concerns which are central to each RPAR proceeding have in fact been answered.

population reductions in non-target organisms has been rebutted.

B. *Determinations on Benefits.* The uses of thiophanate-methyl which are subject to this RPAR are uses on ornamentals, turf, stone fruits, and strawberries. The Agency did not perform a detailed analysis of the economic benefits for these uses because the Agency determined that the pesticide did not pose any appreciable risks.

C. *Determinations of Unreasonable Adverse Effects.* For the reasons set forth in detail in the accompanying Position Document, the Agency has determined that the current use patterns of thiophanate-methyl do not pose unreasonable adverse effects on the environment. Therefore, the Agency is not proposing the initiation of cancellation proceedings for thiophanate-methyl. The registrations of thiophanate-methyl will be allowed to continue in effect without modifications in the terms and conditions of registration.

D. *Other Determinations.* The Agency has determined pursuant to FIFRA Section 3(c)(2)(B) that registrants and applicants for registration of thiophanate-methyl products must submit to the Agency data from tests to detect gene mutations for thiophanate-methyl's metabolite MBC, in the following test systems: 1) Drosophila, 2) Mammalian somatic cells in culture and 3) an appropriate eukaryotic microorganism.

The Agency will use these data for the purpose of refining its risk assessments on the use of thiophanate-methyl.

V. *Procedural Matters.* This Notice of Determination notifies the Scientific Advisory Panel, pesticide registrants and users, and other interested persons of the Agency's preliminary determination relating to the risks of the uses of thiophanate-methyl, and provides these groups with an opportunity to comment on this determination.

As discussed in Section II of this Notice, the Agency's decision to terminate the RPAR against thiophanate-methyl will be referred for review by the Scientific Advisory Panel. The EPA position document setting forth in detail the reasons and factual bases for this determination and this notice are being transmitted shortly to the Scientific Advisory Panel, which is being given 30 days for review and comment. The Agency also will offer registrants and other interested persons an opportunity to comment on the basis for the Agency's determination by making copies of the Position Document available upon request. Interested persons may obtain copies of the documents by communicating their requests to Esther Saito, Project Manager, Special Pesticide Review Division, Office of Pesticide Programs, EPA (TS–791), Room 711D, Crystal Mall II, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703) 557–7420. Registrants and other interested persons will be given 30 days to submit comments.

All comments on the proposed actions should be sent to the Document Control Office, Chemical Information Division, EPA (TS–793), Room E447, 401 M Street SW., Washington, D.C. 20460. In order to facilitate the work of the Agency and of other interested persons inspecting the comments, registrants and other interested persons should submit three copies of their comments. The comments should bear the identifying notation 30000/24B, and should be submitted on or before 30 days from publication.

After completion of these review procedures, the Agency will consider the comments received and publish an analysis of them, together with any changes in the determination announced in this Notice which are appropriate.

Dated: October 3, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

[FR Doc. 79-31287 Filed 10-10-79; 8:45 am]

BILLING CODE 6560-01-M

[OTS–51004; FRL 1335–5]

Toxic Substances Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA, or the Agency).

ACTION: Receipt of premanufacture notices.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(d)(2) requires EPA to publish a summary of each PMN in the **Federal Register.** This Notice announces receipt of two PMN's and provides a summary of each.

DATE: Persons who wish to file written comments on a specific chemical substance should submit their comments no later than 30 days before the applicable notice review period ends.

ADDRESS: Written comments should bear the PMN number of the particular chemical substance, and should be submitted in triplicate, if possible, to the Document Control Officer (TS–793), Office of Toxic Substances, EPA, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. George Bagley, Premanufacturing Review Division (TS–794), Office of Toxic Substances, EPA, Washington, D.C. 20460, telephone: 202/426–3936.

SUPPLEMENTARY INFORMATION: Under § 5 of TSCA, any person who intends to manufacture or import a new chemical substance must submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under § 8(b) of TSCA. On May 15, 1979, EPA announced the availability of the Initial Inventory and identified June 1, 1979, as the official publication date (44 FR 28559). The § 5 requirements became effective on July 1, 1979.

A PMN must include the information listed in § 5(d)(1) of TSCA. Under § 5(d)(2) subject to § 14, EPA must publish in the **Federal Register** information on the identity and uses of the substance, as well as a description of any test data submitted under § 5(b). In addition, EPA has decided that the § 5(d)(2) notice will include a description of any other test data submitted with the PMN, plus the identity of the manufacturer, when possible.

Publication of the § 5(d)(2) notice is subject to § 14 concerning disclosure of confidential data. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity, EPA will publish a generic name if the submitter provides one. If no generic name is provided, EPA will develop one and publish an amended notice after providing due notice to the submitter. EPA immediately will review confidentiality claims for chemical identity and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, after complying with applicable procedures, the Agency will place the information in the public file and will publish an amended notice of the information that should have been in the original **Federal Register** notice.

Once EPA receives a PMN, the Agency normally has 90 days to review it (§ 5(a)(1)). The § 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under § 5(c), EPA may for good cause extend the review period for up to an additional 90 days. If EPA determines

that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When manufacture begins, the submitter must report to EPA and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, anyone may manufacture it without providing EPA notice under § 5(a)(1)(A).

EPA has proposed Premanufacture Notification Requirements and Review Procedures (44 FR 2242, January 10, 1979). These requirements are not yet in effect. Interested persons should consult the Agency's Interim Policy (44 FR 28564, May 15, 1979) for guidance concerning premanufacturing requirements prior to the effective date of the premanufacture rules and forms. In particular, see the section entitled "Notice in the **Federal Register**" on p. 28567 of the Interim Policy.

(Sec. 5 of the Toxic Substances Control Act (90 Stat. 2012; 15 U.S.C. 2604))

Dated: October 2, 1979.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN No. 5AHQ–0979–0024

Close of Review Period: December 25, 1979.

Manufacturer's Identity: Schenectady Chemicals, Inc., PO Box 1046, Schenectady, NY 12301.

New Chemical Substance: The specific chemical identity of the substance for this PMN is 2,2'-methylenebis(4-*sec*-butyl-6-*tert*-butylphenol), trade name ISONOX.

Uses: The substance is intended to be used as a heat stabilizer and antioxidant for plastic, rubber, oils, and plastic-forming materials.

Data Submitted: The company did not submit any test data concerning physical and chemical properties, health or ecological effects, or environmental fate. The company claimed that there are no test data in its possession or control and that data concerning health and environmental effects are not known or reasonably ascertainable.

PMN No. 5AHQ–0979–0025

Close of Review Period: December 25, 1979.

Manufacturer's Identity: Schenectady Chemicals, Inc., PO Box 1046, Schenectady, NY 12301.

New Chemical Substance: The specific chemical identity of the substance for this PMN is 2,2'-ethylidenebis(4-*sec*-butyl-6-*tert*-butylphenol), trade name ISONOX.

Uses: The substance is intended to be used as a heat stabilizer and antioxidant for plastic, rubber, oils, and plastic-forming materials.

Data Submitted: The company did not submit any test data concerning physical and chemical properties, health or ecological effects, or environmental fate. The company claimed that there are no test data in its possession or control and that data concerning health and environmental effects are not known or reasonably ascertainable.

The reports on which data are based and other nonconfidential information concerning this notice are available in the public record in the Office of Toxic Substances Reading Room from 9:00 a.m. to 5:00 p.m. on working days (Room E–447), 401 M Street, S.W., Washington, D.C. 20460.

[FR Doc. 79-31289 Filed 10-10-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 79–549; BC Docket Nos. 79–236, 79–237; File Nos. BPH–10,388, 10, 651]

Amber Productions, Inc. and John K. Major; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: September 13, 1979.

Released: October 10, 1979.

In re applications of Amber Productions, Inc., Oologah, Oklahoma, Req: 106.1 MHz, Channel 291 100 kW, 428 feet. BC Docket No. 79–236, File No. BPH–10,388; John K. Major, Owasso, Oklahoma, Req: 106.1 MHz, Channel 291 100 kW, 487 feet. BC Docket No. 79–237. File No. 10,651; For construction permits.

1. The Commission has before it for consideration (i) the above-captioned mutually exclusive applications and (ii) a petition to specify issues filed by John K. Major (hereinafter "Major").

Issues Against Amber Productions, Inc.

2. *Financial Qualifications Issues.* In its petition, Major asserts that Amber has failed to establish that it is financially qualified and concludes that a general financial qualifications issue is warranted.[1] Analysis of Amber's financial data indicates that it will require $31,615 to construct its proposed station and operate for three months, itemized as follows:

Down payment on equipment	$4,322.50
Repayment on equipment (with interest)	10,806.00
Land	1,250.00
Construction	4,000.00
Miscellaneous	2,250.00
Operating costs (three months)	8,986.50
Total	31,615.00

Amber has failed to state the basis for its land and construction cost estimates (1,250 and $4,000, respectively) as required by Section III, Paragraph 1(b) of Form 301. No documentation has been provided by Amber to verify these land and construction cost estimates. Based on our experience, these unsubstantiated estimates appear to be unreasonable on their face and warrant an inquiry into their validity.[2]

3. Further, assuming *arguendo* the validity of Amber's cost estimates, it has not shown the availability of sufficient funds to construct and operate as proposed. To meet its financial requirement, Amber intends to rely upon existing capital of $5,175 and a loan of $150,000 from its principals.[3] Amber cannot rely on any existing capital since it has failed to file a balance sheet as required by Section III, Paragraph 2(a) of Form 301. Without a balance sheet, we are unable to determine whether the applicant has the requisite net liquidity. Amber has executed a promissory note in the amount of $150,000 to William L. Wright and Patricia Y. Wright.[4] In exchange for the promissory note, the Wrights have executed an "Assignment of Assets" to Amber Productions, Inc. this document purports to assign to Amber "any and all right, title or interest in their assets as more fully described in Exhibit 'A'." Since Amber has failed to submit any Exhibit A to the Assignment document describing the assigned assets, we cannot determine what assets the Wrights will make

[1] Major is incorrect in claiming that a copy of amended page one of Section III provided to Major was not filed with the Commission. Moreover, the Commission's Rules do not require that applicants send copies of responsive amendments to competing parties. Thus, no significance can be attached to Amber's alleged failure to provide a financial statement from one of Amber's creditors in the copy of the amendment provided to Major.

[2] Inquiry into an applicant's cost estimates is appropriate only where the applicant's estimates are unreasonable on their face or where they are challenged by specific facts based upon affidavits from persons with personal knowledge of the facts. *California Stereo, Inc.*, 39 FCC 2d 401, 26 RR 2d 837 (Rev. Bd. 1973); *Viking Television, Inc.*, 17 FCC 2d 823, 16 RR 2d 23 (Rev. Bd. 1969).

[3] Amber has also submitted "Proposed Advertising Contracts" from potential advertisers. However, the Commission's new financial qualifications standard requires an applicant to demonstrate that it has a sufficient capital reserve to cover construction costs and the initial start-up period between inauguration of broadcast service and the point where advertising accounts begin to "pay-off." Consequently, an applicant must show the ability to construct and operate for three months without any reliance on advertising revenues. *New Financial Qualifications Standard For Aural Broadcast Applicants*, 69 FCC, 2d 407, 43 RR 2d 1101 (1978). Thus, we will not allow Amber or any other applicant to rely upon written advertising commitments submitted to establish financial qualifications.

[4] Amber executed the $150,000 note with 8 percent interest payable "On demand one (1) year after date [May 30, 1978], or thereafter * * *" The note is deficient in that it fails to specify when any interest or principal will be due.

available to Amber to finance construction of the proposed station. Furthermore, the Commission cannot presume that all the assets listed on the Wright's April 30, 1978 balance sheet have been assigned. Some of the listed assets are not available to be assigned since the Wright's balance sheet indicates current liabilities in excess of $7,300.[5] Based on the foregoing, the Commission is unable to determine that Amber is financially qualified and a general financial qualifications issue will be specified.

4. *Ascertainment Issue.* Major contends Amber has failed to comply with the Commission's *Primer on Ascertainment of Community Problems by Broadcast Applicants,* 27 FCC 2d 650, 21 RR 2d 1507 (1971) (hereinafter *"Primer"*), and that a general ascertainment issue should be designated. The petitioner claims Amber has failed to: (i) Provide adequate demographic information about Oologah; (ii) contact a sufficient number of members of the general public; (iii) interview leaders of all significant groups in Oologah; (iv) interview leaders who can be expected to have a broad overview of community problems in other major communities within its service area; and (v) identify the persons who conducted the community leader and general public survey interviews.

5. The petitioner correctly contends that Amber's demographic information concerning Oologah and its significant groups and organizations is inadequate. For example, Amber has failed to provide information on governmental activities or public service organizations in Oologah. In the absence of sufficient demographic information, it is not possible to determine whether Amber has interviewed leaders of all significant groups in Oologah. However, it does appear that leaders of some groups identified in the demographic data as significant have not been interviewed. Examples of significant groups not consulted include industry, recreation, agriculture, the elderly, students, women, the American Indians, and public safety, health and welfare organizations. Although Amber has stated its intention to provide secondary service to Talala, Sperry and Pawhuska,[6] a review of Amber's ascertainment survey reveals that it failed to interview properly identified community leaders who can be expected to have a broad overview of problems in those respective communities. Moreover, Amber has, as alleged by petitioner, failed to identify the persons who interviewed the community leaders. Consequently, we can not determine whether the consultations were conducted by principals or prospective management-level employees of the applicant, as required by Question and Answer 11(a) of the *Primer.*

6. Further, on the basis of the information submitted, we cannot conclude that the applicant has conducted a sufficient number of interviews with members of the general public to "assure that a generally random sample of people has been consulted." Amber randomly made 26 telephone calls to members of the general public [7] and was only able to contact eleven persons.[8] We do not consider eleven contacts sufficient to comply with Question and Answer 14 of the *Primer.* Furthermore, Major is correct in asserting that the applicant failed to comply with Questions and Answers 11(b) and 12 of the *Primer* by failing to identify the general public survey interviewers. Hence, the Commission is unable to conclude that members of the general public were contacted by principals, employees, or prospective employees of Amber or by a professional research or survey service. Finally, we believe the applicant has failed to comply with the program proposal requirements of Question and Answer 29 of the *Primer* by failing to list the anticipated time segment of the programs proposed to meet the needs of the community. In light of the aforementioned deficiencies, we are unable to conclude that Amber has substantially complied with the *Primer's* requirements. See *Public Notice—Commission Orders Return to Substantial Compliance Standard in Evaluating Ascertainment Showings,* FCC 79–332, released June 8, 1979. Hence, an ascertainment issue will be specified against Amber.

7. *Section 73.210 Issue.* The petitioner claims a main studio location issue should be specified as to Amber. Section 73.210 of the Commission's rules requires that the main studio of an FM station is to be located within the community of license, but that on a showing of good cause the main studio may be located outside that community. Amber proposes to locate its main studio at the transmitter site in Talala, which is located approximately 9 miles north of Oologah. Amber has failed to present any evidence establishing that the proposed site is readily accessible to residents of the proposed service area, and that good cause exists for location of the main studio outside Oologah. *FM–TV Main Studio Moves (Docket 19028),* 27 FCC 2d 851, 21 RR 2d 1501 (1971). Accordingly, a main studio location issue is warranted.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, *it is ordered,* that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural service (1 mV/m or greater in the case of FM) from the proposals and the availability of other primary service to such areas and populations.

2. To determine whether Amber Productions, Inc. is financially qualified to construct and operate the proposed station.

3. To determine with respect to the ascertainment efforts of Amber Productions, Inc.:

(a) Whether it has obtained sufficient demographic information about its proposed community of license to enable it to determine the significant groups of that community.

(b) Whether it has consulted with leaders of all significant groups including, but not limited to, industry, agriculture, recreation, the elderly, students, women, American Indians, and public safety, health and welfare organizations.

(c) Whether it has consulted with persons likely to have a broad overview of the outlying communities which it proposes to serve.

4. To determine whether the proposal of Amber Productions, Inc. is in compliance with § 73.210 of the Commission's rules with respect to the location of the main studio.

5. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair,

[5] Moreover, the applicant has failed to explain the omission from the April 30, 1978 balance sheet of $9,000 and $17,372 mortgages identified as outstanding in the original December 27, 1976 balance sheet of Mr. Wright.

[6] In addition, Amber stated its intention to provide secondary service to these other communities: Skiatook, Dewey, Bartlesville, Collinsville, Salina, Chouteau, Venita, Barnsdall, Pryor, Nowato, Catoosa, Claremore and Chelsea.

[7] Amber selected every 20th name in the Oologah telephone book.

[8] One of the eleven persons contacted was too busy to talk.

efficient and equitable distribution of radio service.

6. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which if either, of the applications should be granted.

10. *It is further ordered,* that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. *It is further ordered,* that, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Federal Communications Commission.

William J. Tricarico,

Secretary

[FR Doc. 79-31391 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

[FCC 79-548; BC Docket Nos. 79-234, 79-235; File Nos. BPH-10, 037, BPH-10, 368]

Northbanke Corp. and WGAW, Inc.; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: September 13, 1979.

Released: October 10, 1979.

In re applications of Northbanke Corporation, Winchendon, Massachusetts, Req: 97.7 MHz, Channel 249 3 KW, 300 Feet, BC Docket No. 79-234, File No. BPH-10, 037; WGAW, Inc., Winchendon, Massachusetts, Req: 97.7 MHz, Channel 249 3 kW, 300 Feet, BC Docket No. 79-235, File No. BPH-10, 368, for construction permits.

1. The Commission has before it for consideration: (i) The above-captioned mutually exclusive applications; (ii) petitions to deny or defer action directed against both applications by Lakes Region Broadcasting Corporation, Inc., applicant for construction permit for a new FM broadcast station at Meredith, New Hampshire (File No. BPH-9602) (hereafter Lakes Region); and (iii) responsive pleadings.

2. In response to rulemaking petitions, including a proposal by Lakes Region, the Commission assigned FM Channel 287C to Plymouth, New Hampshire, and FM Channel 249A to Winchendon, Massachusetts. *Report and Order in Docket No. 19540,* 46 FCC 2d 221, 29 RR 2d 1377 (1974). Subsequently, the deletion of the unused Channel 287C at Plymouth and addition of Channel 287A at Wolfeboro, New Hampshire was proposed, and is under consideration in pending Docket No. 20576. However, Lakes Region has applied to use presently assigned Channel 287C at Meredith, New Hampshire, under the Commission's 15-mile rule (Section 73.203(b)). The petitions directed against the Winchendon applications assert that adverse action in Docket No. 20576 could result in deletion of Channel 287C at Plymouth, and thereby prejudice reconsideration of the prior unsuccessful Lakes Region proposal to assign Channel 248C to Plymouth.[1] Since Plymouth and Winchendon are less than 80 miles apart and Section 73.207 of the Commission's Rules requires a separation of at least 105 miles between the channels involved, grant of either Winchendon application on channel 249A would preclude use of Channel 248C at Plymouth. In support, Lakes Region contends that our decision in Docket No. 19540 contemplated that the Winchendon proposals for operation on Channel 249A would be held in abeyance pending the outcome of Lakes Region's court appeal of our denial of assignment of Channel 248C to Plymouth.[2]

3. Petitioner has not alleged electrical interference or economic injury due to competition for viewers or revenues, and Lakes Region's pending application for construction permit on Channel 287C at Meredith is not mutually exclusive with the Windendon applications. Rather, by collateral attack petitioner seeks to forestall action on the Winchendon applications until the rulemaking proposal to delete Channel 287 from Plymouth is concluded. In these circumstances, Lakes Region lacks the requisite standing to assert its claim under *Ashbacker Radio Co.* v. *Federal Communications Commission,* 326 U.S. 327 (1945). The Commission's assignment of Channel 249A to Winchendon became final and unappealable in 1974, and any substantial and material action adversely affecting Lakes Region's contingent proposal cannot be disturbed by the initiation of a subsequent rulemaking to delete the Plymouth channel. See *WGAL, Inc. (WGAL-TV),* 10 RR 1209 (1954). Lakes Region's claim as a "party in interest" within the meaning of Section 309(d) of the Communications Act of 1934 as amended, was subject to consideration within the context of the rulemaking proceedings, not the instant comparative consideration of the Winchendon applicants. Accordingly, Lakes Region lacks standing to file a petition to deny the Winchendon applications.

4. Considered as an "informal objection" under Section 73.3587 of the Rules, Lakes Region's contention that our *Report and Order in Docket No. 19540* requires that the Winchendon applications be held in abeyance must be rejected. In our *Report and Order in Docket No. 19540, supra,* we stated that:

> * * * (I)f the proposed C Channel (287) is assigned to Plymouth, the Commission can assign a first FM Channel (249A) to Winchendon, Massachusetts. If the Commission denies the assignment of Channel 287 to Plymouth, the present channels at Skowhegan and Newport will not be disturbed, and the Winchendon proposal would have to be held in abeyance pending outcome of the appeal by Lakes Region of the Commission's decision which denied the assignement of Channel 248 to Plymouth.

This statement regarding the possibility of deferring further action on the Winchendon assignment proceeding was expressly conditioned on denial of assignment of Channel 287 to Plymouth. Since the Commission made the assignment to Plymouth, Lakes Region's claim is without merit. Moreover, the Commission can not be required to maintain the status quo with respect to pending applications for construction permits on assigned channels to accommodate purely contingent proposals to assign channels elsewhere without seriously disrupting the public interest inherent in the institution of new service for which a demonstrated need has been shown. See *Fleet*

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[1] Lakes Region filed a petition for reconsideration of our *Report and Order in Docket No. 19116,* 32 FCC 2d 549, 23 RR 2d 1600 (1971), which assigned Channel 286 to Skowhegan, Maine, and denied Lakes Region's request to assign Channel 248C to Plymouth. The petition requested consideration as a counterproposal in Docket No. 19512, the proceeding in which WGAW proposed assignment of Channel 249A to Winchendon. The WGAW proposal was severed from Docket No. 19512 and was consolidated with the Plymouth and Skowhegan conflicts in Docket No. 19540.

[2] Lakes Region filed a notice of appeal in the United States Court of Appeals for the District of Columbia Circuit, *Lakes Region Broadcasting Corporation* v. *FCC,* Case No. 72-1381. The appeal has been dismissed.

Enterprises, FCC 65–180, 4 RR 2d 708, released March 11, 1965.

5. The public notice published by WGAW indicates that a copy of the application is on file for public inspection at an address in Gardner, Massachusetts. Section 73.3580 of the Commissions' Rules requires that the public file be located in the community of license. In our letter to WGAW, dated February 6, 1978, we requested clarification of the applicant's intention. The applicant has not responded to this matter. In addition, the public notice indicated that the studio of the proposed FM station would be 0.25 miles southeast of the intersection of Baldwinville Road and Town Farm Road in Winchendon, whereas the applicant's response to Section V–B, Paragraph 5 of FCC Form 301, stated that the studio location would be at a site "to be determined" This matter was also raised in our deficiency letter. WGAW responded that "The studios of the proposed station will be located in the downtown business district and run remotely." This response does not resolve the ambiguity noted in the application. Moreover, the response does not indicate whether the studio location will be within the principal community, as required by § 73.210 of the rules. Accordingly, issues will be specified to determine whether WGAW has complied with the public file and studio location rules.

6. The Commission received a letter from the Zoning Board of Appeals of Winchendon regarding the WGAW proposed transmitter site, which states that "no radio station can be constructed or operated in the area specified without being in violation of the town Zoning By-Laws". In response to our request for further information as to the availability of the proposed site. WGAW indicated that the applicant:

> (H)as met with the Winchendon Zoning Board of Appeals and we do believe that within a relatively short period of time, the community of Winchendon will allow a variance to allow a radio station to be constructed and operated in the Town of Winchendon.

The Commission has long held that while an applicant must have reasonable assurance of obtaining local zoning or licensing authorization for its antenna proposal, there is an assumption that such approval will be forthcoming. However, this assumption may be effectively rebutted by a reasonable showing that the necessary authorization cannot be obtained. *WLCY-TV*, Inc., 43 FCC 2d 818, 28 RR 2d 997 (Rev. Bd. 1973), citing *El Camino Broadcasting Co., Inc.*, 12 FCC 2d 329, 12 RR 2d 1057 (1968). The ordinary presumption of zoning authority is effectively rebutted by the adverse initial decision of a zoning agency. *J. Sherwood, Inc.*, 63 FCC 2d 151, 39 RR 2d 597 (Rev. Bd. 1976). The Zoning Board of Appeals has indicated that WGAW cannot obtain the requisite permission. Although WGAW indicated it would promptly apply for the necessary zoning variance to reverse the position taken by the Winchendon Zoning Board of Appeals in its letter to the Commission, the application has never been amended to show that WGAW fulfilled its promise. Accordingly, in light of the letter received from the Zoning Board of Appeals adverse to WGAW's proposal, and in the absence of documentary evidence of a subsequent contrary determination, WGAW has failed to provide reasonable assurance of the availability of its transmitter site, and a site availability issue is required.

7. Analysis of the financial data submitted by WGAW reveals that $66,620 will be required to construct and operate the proposed station for three months, itemized as follows:

Down payment on equipment	$13,120
Land	5,000
Buildings	20,000
Miscellaneous	15,500
Operating costs (three months)	[3]13,000
Total	66,620

[3] Since the date deficiency letters were sent to the applicants, the Commission has revised its financial standards to require a showing of three months operating costs rather than the one year standard previously applied. *New Financial Qualifications Standard For Aural Broadcast Applicants*, 69 FCC 2d 407 (1978).

WGAW plans to finance construction and operations with the following funds: existing capital in the sum of $76,235, a bank loan of $75,000, and profits from existing operations in the amount of $23,000. However, the applicant's balance sheet, dated July 4, 1976, discloses liquid assets of only $8,701 in cash. Although WGAW intends to reply on American Telephone and Telegraph Company Stock valued at $14,650, no indication of the number of shares held by the applicant is provided for purposes of determining the current market value. WGAW also failed to comply with the requirements of Section III, paragraph 4(b) of FCC Form 301 to establish the liquidity of accounts receivable listed on the balance sheet. In addition to these defects, the balance sheet is now nearly three years old and must be updated pursuant to Section 1.65 of the Commission's Rules. As to the bank loan, the commitment letter from the First National Bank of Athol failed to specify terms of repayment, collateral or security required, and the rate of interest, as required by Section III, Page 3, Paragraph 4(e) of the application form. Although requested to amend its application to comply with these requirements, WGAW failed to do so. In addition, WGAW, has allocated only $2,000 for legal costs. Since the application is mutually exclusive with another and a comparative hearing must be held, the applicant was requested to submit an estimate of legal fees incident to a hearing on the application. The applicant was advised that these fees are included in the first year operating expenses and the financial portion of the application must show sufficient assets to cover these expenditures. Although requested to amend its application to comply with these requirements, WGAW failed to do so and a limited financial issue will be specified.

8. WGAW has failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). From the information before us, it appears that the applicant has failed to survey leaders of significant population groups set forth in its demographic study. *Voice of Dixie, Inc.*, 45 FCC 2d 1027, 29 RR 2d 1127, *recon. den.*, 47 FCC 2d 526, 30 RR 2d 851 (1974). Specifically, we indicated in the deficiency letter that WGAW had apparently omitted leaders of agriculture, charities, health, labor, military, minority or ethnic groups, religion, and groups representing the elderly and women. With respect to military and minority or ethnic groups, the applicant has explained by amendment the absence of community leaders in Winchendon. Regarding representatives of health, labor and religious groups, WGAW has identified community leaders but failed to indicate all problems and needs ascertained by the consultations. See Question and Answer 22 of the *Primer*. As to all other interviews reported in its July 27, 1978 amendment to the application, WGAW has failed to show the positions held by each community leader in the organization, or indicate all problems and needs ascertained by the consultations. See Questions and Answers 20 and 22 of the *Primer*. In addition, our analysis of WGAW's community leader survey, as amended, indicates that most persons surveyed are from communities other than Winchendon, and numerous significant groups and interests are omitted. WGAW has not shown that members of the general public were contacted by principals, employees or prospective employees of the applicant, or by a professional research or survey service. Moreover, the amended application does not indicate whether the

applicant's programming proposal reflects an evaluation of the needs and problems ascertained by additional contacts with leaders of the significant groups. See Questions and Answers 23–25 of the *Primer*. Due to the numerous deficiencies in its ascertainment effort, a general ascertainment issue will be specified against WGAW.

9. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

10. On June 21, 1978, the Chief, Broadcast Facilities Division, Broadcast Bureau, wrote to WGAW advising that if the applicant failed to file an amendment responsive to the February 6, 1978 deficiency letter within 10 days, the application would be dismissed. Accordingly, the Chief Broadcast Bureau, dismissed the WGAW application on August 10, 1978 for failure to prosecute the application. Thereafter it was discovered that WGAW had filed an amendment on July 27, 1978.[4] Although Northbanke vigorously opposed WGAW's request for extension of time, the WGAW application was reinstated *nunc pro tunc*.

11. Since Northbanke's application was tendered for filing on June 30, 1976, the procedures adopted in the Commission's *Report and Order on Adjudicatory Reregulation Proposals*, 58 FCC 2d 865, 36 RR 2d 1203 (1976) are inapplicable to the Winchendon applications. Therefore, WGAW's tardy response did not contravene §73.3522 of the rules, and the request for dismissal will be denied.

12. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing.

13. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether the proposal of WGAW, Inc. is in compliance with § 73.3580 of the Commission's rules with respect to location of the public file, and if not, the effect thereof on the applicant's basic and/or comparative qualifications to be a Commission licensee.

(2) To determine whether the proposal of WGAW, Inc. is in compliance with Section 73.210 of the Commission's Rules with respect to location of the main studio.

(3) To determine whether WGAW, Inc. has reasonable assurance of the availablity of its transmitter site.

(4) To determine with respect to WGAW, Inc.:

(a) The cost of legal fees incident to a hearing on the application, and

(b) The source and availability of additional funds over and above the $8,701 indicated, and

(c) Whether in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

(5) To determine the efforts made by WGAW, Inc. to ascertain the community needs and problems of the area to be served and the means by which the applicant proposes to meet those needs and problems.

(6) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(7) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

14. *It is further ordered*, that the petitions to deny or defer action filed by Lakes Region Broadcasting Corporation, Inc. are denied.

15. *It is further ordered*, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within twenty days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

16. *It is further ordered*, that the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-31390 Filed 10-10-79; 8:45 am]

BILLING CODE 6712-01-M

[4] WGAW's counsel had filed timely requests for extensions of time prior to that date.

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-606-DR]

Commonwealth of Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA-606-DR), dated September 29, 1979, and related determinations.

DATED: September 29, 1979.

FOR FURTHER INFORMATION CONTACT: Sewell H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143), notice is hereby given that, in a letter of September 29, 1979, the President declared a major disaster as follows:

> I have determined that the damage in certain areas of the Commonwealth of Virginia resulting from severe storms and flooding beginning on September 21, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Commonwealth of Virginia.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Alfred A. Hahn of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Commonwealth of Virginia to have been affected adversely by this declared major disaster.

The following County for Individual Assistance only: Patrick.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-31334 Filed 10-10-79; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-606-DR]

Commonwealth of Virginia; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the Commonwealth of Virginia (FEMA-606-DR), dated September 29, 1979.

DATED: October 2, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: The Notice of a major disaster for the Commonwealth of Virginia dated September 29, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 29, 1979.

Previously designated eligible for Individual Assistance, now designated eligible for Public Assistance limited to Public Utilities: The Town of Stuart in Patrick County.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

William H. Wilcox,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-31335 Filed 10-10-79; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-607-DR]

Florida; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Florida (FEMA-607-DR), dated September 29, 1979, and related determinations.

DATED: September 29, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 29, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Florida resulting from severe storms and flooding beginning on or about September 14, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Florida.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Paul E. Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared major disaster.

The following County for Individual Assistance only: Hillsborough.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

William H. Wilcox,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-31336 Filed 10-10-79; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-605-DR]

North Carolina; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of North Carolina (FEMA-605-DR), dated September 29, 1979, and related determinations.

DATED: September 29, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Director of Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 29, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of North Carolina resulting from severe storms and flooding beginning on September 21, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of North Carolina.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Thomas P. Credle of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of North Carolina to have been affected adversely by this declared major disaster.

The following County for Individual Assistance only: Surry.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-31333 Filed 10-10-79; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Privacy Act of 1974; Systems of Records: Annual Publication

The Privacy Act of 1974 (5 USC 552a(e)(4)) requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The Federal Mediation and Conciliation Service last published the full text of its systems of

records at 43 FR 38512, August 28, 1978. No further changes have occurred since that publication. Therefore, the systems remain in effect as published.

The full text of the systems of records also appears in Privacy Act Issuances, 1978 Compilation, Volume 4, Page 176. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price of the volume is $10.50.

Wayne L. Horvitz,

Director.

[FR Doc. 79-31235 Filed 10-10-79; 8:45 am]

BILLING CODE 6732-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Mental Health; Delegations of Authority

Notice is hereby given that in furtherance of the authority delegated on May 19, 1979 by the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health (44 FR 31321), there have been made the following delegation and redelegations of authority to perform mental health functions under section 303 of the Public Health Service Act (42 U.S.C. 242a), as amended by Pub. L. 93–348, relative to general research and investigation:

1. Delegation by the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, with authority to redelegate as specified below, of the authorities vested in the Secretary of Health, Education, and Welfare under section 303 of the Public Health Service Act, as amended by Pub. L. 93–348. The delegation excluded the authority to promulgate regulations. The authorities regarding alcohol abuse and alcoholism are required to be redelegated to the Director of the National Institute on Alcohol Abuse and Alcoholism pursuant to section 101 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4551), as amended by Pub. L. 93–282. The authorities regarding drug abuse are required to to redelegated to the Director of the National Institute on Drug Abuse pursuant to section 501 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1191), as amended by Pub. L. 93–282. The authorities regarding mental health are required to be redelegated to the Director of the National Institute of Mental Health pursuant to section 455 of the Public Health Service Act (42 U.S.C. 289k–*1*), as amended by Pub. L. 93–282.

2. Redelegation by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, to the Director, National Institute on Alcohol Abuse and Alcoholism, of the authorities under section 303 of the Public Health Service Act, as amended by Pub. L. 93–348, which were delegated by the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, insofar as the authorities pertain to the functions assigned to the National Institute on Alcohol Abuse and Alcoholism. Further redelegation is permitted.

3. Redelegation by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, to the Director, National Institute on Drug Abuse, of the authorities under section 303 of the Public Health Service Act, as amended by Pub. L. 93–348, which were delegated by the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, insofar as the authorities pertain to the functions assigned to the National Institute on Drug Abuse. Further redelegation is permitted.

4. Redelegation by the Administrator, Alcohol, Drug Abuse, and Mental Health Adminstration, to the Director, National Institute of Mental Health, of the authorities under section 303 of the Public Health Service Act, as amended by Pub. L. 93–348, which were delegated by the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, insofar as the authorities pertain to the functions assigned to the National Institute of Mental Health. Further redelegation is permitted.

5. Redelegation by the Director, National Institute of Mental Health within the Alcohol, Drug Abuse, and Mental Health Administration to the Regional Health Administrators, Public Health Service Regional Offices, of authority under section 303(a)(1) and (2) and section 303(c) of the Public Health Service Act, as amended by Pub. L. 93–348, to perform the grants review and approval functions relating to grants to public and nonprofit institutions for hospital improvement projects and hospital staff development projects. The redelegation specified that further redelegation shall be made to the heads of the Alcohol, Drug Abuse, and Mental Health Divisions within the Public Health Service Regional Offices.

Provision has been made for any previous redelegations to other officials within the Alcohol, Drug Abuse, and Mental Health Administration and the Public Health Service Regional Offices of authorities under section 303 of the Public Health Service Act to continue in effect for no longer than 90 days from September 18, 1979.

The above delegation and redelegations became effective on September 18, 1979.

Dated: September 18, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

[FR Doc. 79-31357 Filed 10-10-79; 8:45 am]

BILLING CODE 4110-88-M

Research and Investigation; Delegations of Authority

Notice is hereby given that in furtherance of the authority delegated on May 19, 1979 by the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health (44 FR 31321), there have been made the following delegation and redelegations of authority to perform research, investigation, and testing functions under section 301 of the Public Health Service Act (42 U.S.C. 241), as amended by Pub. L. 95–622:

1. Delegation by the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, with authority to redelegate as specified below, of the authorities vested in the Secretary of Health, Education, and Welfare under section 301 of the Public Health Service Act, as amended by Pub. L. 95–622, insofar as the authorities pertain to the functions assigned to the Alcohol, Drug Abuse, and Mental Health Administration. The delegation excludes the authority to promulgate regulations. The authorities regarding alcohol abuse and alcoholism are required to be redelegated to the Director of the National Institute on Alcohol Abuse and Alcoholism pursuant to Section 101 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4551), as amended by Pub. L. 93–282. The authorities regarding drug abuse are required to be redelegated to the Director of the National Institute on Drug Abuse pursuant to section 501 of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1191), as amended by Pub. L. 93–282. The authorities regarding mental health are required to be redelegated to the Director of the National Institute of Mental Health pursuant to Section 455 of the Public Health Service Act (42 U.S.C. 289k–*1*) as amended by Pub. L. 93–282.

2. Redelegation by the Administrator, Alcohol, Drug Abuse, and Mental Health

Administration, to the Director, National Institute on Alcohol Abuse and Alcoholism, of the authorities under section 301 of the Public Health Service Act, as amended by Pub. L. 95–622, which were delegated by the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, insofar as the authorities pertain to the functions assigned to the National Institute on Alcohol Abuse and Alcoholism. Further redelegation is permitted.

3. Redelegation by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, to the Director, National Institute on Drug Abuse, of the authorities under section 301 of the Public Health Service Act, as amended by Pub. L. 95–622, which were delegated by the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, insofar as the authorities pertain to the functions assigned to the National Institute on Drug Abuse. Further redelegation is permitted.

4. Redelegation by the Administrator, Alcohol, Drug Abuse, and Mental Health Adminstration, to the Director, National Institute of Mental Health, of the authorities under section 301 of the Public Health Service Act, as amended by Pub. L. 95–622, which were delegated by the Assistant Secretary for Health to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, insofar as the authorities pertain to the functions assigned to the National Institute of Mental Health. Further redelegation is permitted.

Provision has been made for previous redelegations to other officials within the Alcohol, Drug Abuse, and Mental Health Administration of authorities under Section 301 of the Public Health Service Act to continue in effect for no longer than 90 days from .

The above delegation and redelegations became effective on .

Dated: September 18, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

[FR Doc. 79-31358 Filed 10-10-79; 8:45 am]

BILLING CODE 4110-88-M

Health Care Financing Administration

Privacy Act of 1974; System of Records and Notice of Proposed Routine Uses; Health Maintenance Organization Prospective Reimbursement Demonstrations

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of new system of records.

SUMMARY: This notice describes a new system of records, Health Maintenance Organization Prospective Reimbursement Demonstrations, HCFA #09–70–0021, in accordance with the requirements of the Privacy Act of 1974. The purpose of this system of records is to provide data necessary for calculating per capita costs for reimbursing Health Maintenance Organizations. Interested persons may submit written comments with respect to routine uses of the system.

DATES: HCFA filed a new system report with the Speaker of the House, the President of the Senate, and the Director, Office of Management and Budget on August 28, 1979. The new system of records will become effective October 27, 1979. The routine uses will become effective as proposed without further notice on November 10, 1979, or on October 27, 1979 (whichever is later) provided HCFA does not receive comments which would result in a contrary determination.

ADDRESS: The public should address comments to Privacy Coordinator, Office of Management and Budget, Health Care Financing Administration, 1710 Gwynn Oak Avenue, Baltimore, Maryland 21235 (301) 594–1926. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Sidney Trieger, Chief, Comprehensive Health Services Branch, Division of Health Systems and Special Studies, Office of Demonstrations and Evaluations, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 3–E–6 Meadows East Building, 6401 Security Boulevard, Baltimore, Maryland 21235 (301) 594–9296.

SUPPLEMENTARY INFORMATION: Under the authority of section 402(a) of the 1967 amendments to the Social Security Act, as amended buy section 222(b)(1) of the 1972 amendments to the Social Security Act, HCFA will conduct demonstration projects to calculate adjusted average per capita costs for Health Maintenance Organizations (HMOs). Since costs for institutionalized beneficiaries are usually greater than the non-institutionalized, an adjustment in per capita costs will be necessary if the proportion of institutionalized aged in the demonstration area is significantly different than that in the Medicare population served by the HMO. In order to carry out the demonstration project HCFA will establish this new system of records, which will contain names and social security numbers of Medicare beneficiaries residing in institutions. HCFA will obtain the data from admission files of nursing homes, rest homes, sanitariums, convalescent homes, and long term care hospitals. The demonstrations are scheduled to run through December 1983 in 23 counties in six States. Locations of the demonstration areas are: Massachusetts—Worcester and Suffolk counties; Michigan—Ingham, Eaton and Clinton counties; Minnesota—Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties; Oregon—Clackamus, Multnomah, and Washington counties; Washington—Clark, Jefferson, Kitsap, and Mason counties; and Wisconsin—Clark, Marathon, Taylor, and Wood counties.

Since the HMOs will provide additional benefits or reduced copayments as enrollment incentives, the demonstrations should stimulate the Medicare and Medicaid population to enroll in more efficient delivery systems. In addition, the purpose of these demonstrations is to increase the Department's experience with prepaid capitation contracting, to experiment with alternative prospective risk reimbursement methodologies under Medicare and Medicaid, and to demonstrate and compare alternative prepaid capitation models to the Title XIII HMO model. HCFA's collection of institutional data for use in computing HMO per capita costs could lessen the financial burden currently imposed on the Medicare population and should not infringe upon personal privacy. Collection of institutional data will neither affect participating institutions nor in any way affect beneficiary reimbursement under Parts A and B of Medicare.

Dated: September 28, 1979.

Leonard Schaeffer,

Administrator, Health Care Financing Administration.

09–70–0021

SYSTEM NAME.

Health Maintenance Organization. Prospective Reimbursement Demonstrations, HEW/HCFA/ORDS.

SECURITY CLASSIFICATION.

None.

SYSTEM LOCATION.

Health Care Financing Administration, Office of Demonstrations and Evaluations, Room 3–E–6, Meadows East Building, Baltimore, Maryland 21235, and Office of the Contractor, name and address not

yet determined, but when determination is made the name and address will be available from the system manager upon request.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM.

Medicare beneficiaries institutionalized in counties encompassed by the demonstrations. The locations are as follows: Massachusetts—Worcester and Suffolk counties; Michigan—Ingham, Easton, and Clinton counties; Minnesota—Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties; Oregon—Clackamus, Multnomah, and Washington counties; Washington—Clark, Jefferson, Kitsap, and Mason counties; and Wisconsin—Clark, Marathon, Taylor, and Wood counties.

CATEGORIES OF RECORDS IN THE SYSTEM.

Names and social security numbers of institutionalized Medicare beneficiaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM.

Section 402(a) of the 1967 amendments to the Social Security Act, as amended by section 222(b)(1) of the 1972 amendments to the Social Security Act, P.L. 92–603.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

(a) HCFA may make disclosures to contractors for research and statistical activities under HCFA's direction.

(b) HCFA may make disclosures to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual.

(c) In event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE.

HCFA and the contractor will store hard copy records in locked metal file cabinets. HCFA will maintain data transferred to computer tapes in secure storage areas in the HCFA tape library. The contractor will forward all hardcopy data to HCFA and will not maintain any records once data are transferred to HCFA.

RETRIEVABILITY.

HCFA will retrieve the data by beneficiary name and social security number. HCFA will use the data to calculate the adjusted average per capita cost (AAPCC) for Health Maintenance Organizations participating in the demonstrations.

SAFEGUARDS.

HCFA will maintain all records in secure storage areas accessible only to authorized HCFA employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. HCFA will store hardcopy and tapes in secure storage areas until December 31, 1985.

For computerized records, where appropriate, HCFA will initiate ADP systems security procedures with reference to guidelines contained in DHEW ADP Systems Manual, Part 6, ADP Systems Security; and the National Bureau of Standards Federal Information Processing Standards Publications.

RETENTION AND DISPOSAL.

HCFA will retain hardcopy data collection forms and magnetic data tapes with identifiers in secure storage areas. HCFA will use the disposal technique of degaussing to strip magnetic tape of all identifying names and numbers in December 1985. HCFA will destroy hardcopy at that time.

SYSTEM MANAGER(S) AND ADDRESS.

Director, Office of Research, Demonstrations and Statistics, Switzer Building, Room 5054, 330 C Street, SW, Washington, D.C. 20201.

NOTIFICATION PROCEDURE.

Any Medicare beneficiary who participates in this demonstration may request his data record in writing. Individuals should address inquiries and requests concerning system records to the system manager named above.

RECORD ACCESS PROCEDURES.

Same as notification procedure. Requestor should specify the record contents being sought. These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES.

Contact the system manager at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).

RECORD SOURCE CATEGORIES.

Institutions located in the geographic areas encompassed by the demonstrations, including nursing homes, sanitariums, rest homes, convalescent homes, and long term care hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT.

None.

[FR Doc. 79-31465 Filed 10-10-79; 8:45 am]
BILLING CODE 4110-35-M

Privacy Act of 1974; Systems of Records and Notice of Proposed Routine Uses; Municipal Health Services Program

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of new system of records.

SUMMARY: This Notice describes a new system of records, Municipal Health Services Program, HCFA No. 09–70–0022, in accordance with the requirements of the Privacy Act of 1974. The purpose of this system of records is to provide billing data necessary to permit reimbursement and evaluation of the clinics participating in the Municipal Health Services Program. Interested persons may submit written comments with respect to routine uses of the system.

DATES: HCFA filed a new system report with the Speaker of the House, the President of the Senate, and the Director, Office of Management and Budget on August 28, 1979. The new system of records will become effective October 27, 1979. The routine uses will become effective as proposed without further notice on November 10, 1979, or on October 27, 1979 (whichever is later) provided HCFA does not receive comments which would result in a contrary determination.

ADDRESS: The public should addresss comments to Privacy Coordinator, Office of Management and Budget, Health Care Financing Administration,

1710 Gwynn Oak Avenue, Baltimore, Maryland 21235. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Sidney Trieger, Chief, Comprehensive Health Services Branch, Division of Health Systems and Special Studies, Office of Demonstrations and Evaluations, Office of Research, Demonstrations and Statistic, Health Care Financing Administration, Room 3–E–6 Meadows East Building, 6401 Security Boulevard, Baltimore, Maryland 21235 (301) 594–9296.

SUPPLEMENTARY INFORMATION: The Health Care Financing Administration, Department of Health, Education and Welfare, proposes to initiate a new system of collecting data under the authority of section 402(a) of the 1967 amendments to the Social Security Act, as amended by section 222(b)(1) of the 1972 Amendments to the Social Security Act, The Municipal Health Services Program will assist five municipalities in providing health care services to medically underserved areas, emphasizing the delivery of primary and preventative care in clinics as an alternative to the more costly inpatient or emergency room setting. This project is the first joint initiative of the Robert Wood Johnson Foundation and the Health Care Financing Administration. Robert Wood Johnson Foundation has provided the funds to conduct the program; the Health Care Financing Administration is suppporting the evaluation of the Program's impact on the cost and utilization of health care services and is granting waivers to permit participating clinics to receive reimbursement on a cost basis for currently noncovered primary and preventative services and to permit waivers of copayments and deductibles required by title XVIII of the Social Security Act.

The primary purpose of almost all the data in the system is reimbursement; however, the University of Chicago will use the same data to evaluate the MHSP. Thus the data serves a dual purpose. Because collection of this data is essential for reimbursement, the need for the data outweighs the possible risk of invasion of privacy.

Dated: September 28, 1979.

Leonard Schaeffer,

Administator, Health Care Financing Administration.

09–70–0022

SYSTEM NAME:

Municipal Health Services Program, HEW/HCFA/ORDS

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration (primary location), Bureau of Support Services, Office of Direct Reimbursement, Health Services Studies Branch, 6401 Security Boulevard, Baltimore, Maryland 21235, and

University of Chicago, Center for Health Administration Studies, 5720 Woodlawn Drive, Chicago, Illnois 60637.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare and Medicaid beneficiaries, who obtain health care services at any of the 20 clinics being funded by the Robert Wood Johnson Foundation under the Municipal Health Services Program (MHSP).

CATEGORIES OF RECORDS IN THE SYSTEM:

Bills submitted by MHSP clinics to claim Federal reimbursement for services provided to Medicare and Medicaid beneficiaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402(a) of the Social Security Amendments of 1967, as amended by section 222(b)(1) of Public Law 92–603.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) The University of Chicago, Center for Health Administration Studies (CHAS), will use the data to evaluate the impact of the MHSP on health care costs and utilization.

(b) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(c) In event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Health Services Studies Branch (HSSB) and CHAS will store data of hardcopy billing forms and machine readable media in storage areas.

RETRIEVABILITY:

HSSB and CHAS retrieve the data by beneficiary name, date of service, and clinic name. HSSB will use the data to determine the appropriate level of reimbursement to be made to MHSP clinics.

SAFEGUARDS:

HSSB and CHAS will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. HSSB will store hardcopy in file cabinets in a locked office. For computerized records, where appropriate, HCFA will initiate ADP systems security procedures with reference to the the guidelines contained in the DHEW ADP Systems Mannual, Part 6, ADP Systems Security (e.g., HSSB will store machine readable media in locked cabinets in a locked room accessible only to authorized personnel).

RETENTION AND DISPOSAL:

HSSB and CHAS will retain hardcopy bills and machine readable media tapes with identifiers in secure storage areas. HCFA waivers permitting reimbursement to MHSP clinics will be effective through 1984; therefore, HCFA will retain all hardcopy and magnetic tape or disc data until December 1985. At that time, HCFA will destroy all hardcopy and strip all machine readable media of all identifying names and numbers by degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, Switzer Building, Room 5054, 330 C Street SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Individuals should address inquiries and requests concerning system records to the system manager, named above, specifying name, date of service, and clinic.

RECORD ACCESS PROCEDURE:

Any beneficiary who participates in the MHSP may request his data record in writing. Access procedure is the same as notification procedure. Requestor should also reasonably specify the

record contents being sought. These procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7)).

RECORD SOURCE CATEGORIES:

The information contained in this record system originates at MHSP clinics, specified in Appendix A, whenever a Medicare or Medicaid beneficiary obtains clinic services. Clinics in four of the cities, specified in Appendix B, will store hardcopies or machine readable media copies of the bills in their city health departments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A—Participating Centers and Clinics

Contact the System Manager for further information about potential sites (*), clinics or centers not yet built (**), and those that are to be moved.

Baltimore

Bank Street Health Center
3411 Bank Street
Baltimore, Maryland
Belair—Edison—Gardenville Health Center*
Hollander Ridge Health Center
Hollander Ridge Avenue
Baltimore, Maryland
North of the Park Health Center*
O'Donnell Heights Health Center**

St. Louis

Courtney Health Center
1717 Biddle Street
St. Louis, Missouri
13th and Wyoming Health Center
3200 South 13th Street
St. Louis, Missouri
South Grand Health Center
1501 South Grand Avenue
St. Louis, Missouri
(will be moved)
Walnut Park Health Center*

Milwaukee

Johnston Health Center
1230 West Grant Street
Milwaukee, Wisconsin
Downtown Medical and Health Services
2340 West Wisconsin Avenue
Milwaukee, Wisconsin
Karambee Health Center*
Sinai Clinic**

Cincinnati

Winston Hills Medical and Health Center
5275 Winneste Avenue
Cincinnati, Ohio 45232
Avondale Clinic (Catherine Booth will be moved)
3595 Washington Avenue
Cincinnati, Ohio 45229
Braxton-Cann Memorial Medical Clinic
5919 Madison Road
Cincinnati, Ohio 45227

San Jose

Gardener Community Health Center, Inc.
325 Willow Street
San Jose, California 95110
Franklin-McKinley Health Center
Clayton Road
San Jose, California
Downtown Clinic
(site not selected)
Family Health Foundation of Alviso
Adolescent Center
(satellite to Franklin-McKinley)**

Appendix B—City Health Departments Where Records Will Be Stored

Baltimore City Department of Health
111 N. Calvert Street
Baltimore, Maryland 21202
Cincinnati Department of Health
3101 Burnet Avenue
Cincinnati, Ohio 45229
Milwaukee Department of Health
841 N. Broadway
Milwaukee, Wisconsin 53202
St. Louis Department of Health and Hospitals
1625 S. 14th Street
St. Louis, Missouri 63104

[FR Doc. 79-31467 Filed 10-10-79; 8:45 am]
BILLING CODE 4110-35-M

Health Resources Administration

Expanded Function Dental Auxiliary Training Grants; Application Announcement

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal year 1980 for Expanded Function Dental Auxiliary (EFDA) Training are now being accepted under authority of sections 701(8), and 783(a)(2) of the Public Health Service Act, Title VII, Parts A and F.

Section 783(a)(2) authorizes the Secretary to make grants to public and nonprofit private schools of dentistry or other public or nonprofit entities which have programs for the training of dental auxiliaries, to meet the cost of projects to plan, develop and operate or maintain programs for the educational preparation of these auxiliaries to be efficient members of the dental health care team who, under supervision of the dentist, can perform legally delegated functions to increase the profession's potential to provide high quality dental care to more people.

These educational entities shall plan to enroll not less than eight students for expanded functions training and offer ongoing educational programs which extend for at least one academic year and consist of supervised clinical practice and at least four months (in the aggregate) of classroom instruction.

All public and nonprofit private schools of dentistry or other public or nonprofit private entities within the United States, its territories and possessions, which have programs for the training of dental assistants or dental hygienists and which are accredited by the Commission on Accreditation for Dental and Dental Auxiliary Educational Programs, are eligible to apply.

Based on the proposed appropriation for the EFDA program and projected requirements for continuation grants, an estimated $350,000 will be available for competitive grant awards in fiscal year 1980.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D-29), Bureau of Health Manpower, HRA, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Maryland 20782, Phone: 301/436-6058.

To be considered for fiscal year 1980 funding, completed applications must be postmarked no later than November 15, 1980, and sent to the Grants Management Officer at the above address.

Should additional program information be required, please contact: Professional Education Branch, Division of Dentistry, Bureau of Health Manpower, HRA, Center Building, Room 3-30, 3700 East-West Highway, Hyattsville, Maryland 20782, Phone: 301/436-6514.

Dated: October 4, 1979

Henry A. Foley,

Administrator.

[FR Doc. 79-31392 Filed 10-10-79; 8:45 am]
BILLING CODE 4110-83-M

Health Systems Agency Application Information

Pursuant to section 1515 of the Public Health Service Act notice is hereby given that application materials are now available in DHEW Regional Office VII for entities interested in applying for designation as the health systems agency (HSA) for Kansas Health Service Area 2. This HSA will be responsible for health planning for the health service area and for the promotion of the development of health services, manpower, and facilities which meet identified needs, reduce documented

inefficiencies, and implement the health plans of the agency.

The designated HSA which previously served the health service area was not performing its functions in a manner satisfactory to the Secretary. Consequently, the Secretary decided not to renew the agency's designation agreement. Therefore, we are seeking applications for a new agency.

Entities interested in applying for designation must file a letter of intent to apply for such designation with DHEW Regional Office VII by November 12, 1979, and an application by January 8, 1980.

Application materials and further information may be obtained from the Regional Health Administrator, DHEW Regional Office VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 758–3291.

Once the health systems agency is designated it will be entitled to receive a planning grant under section 1516 of the Act. The amount of the planning grant will be determined in accordance with a formula set forth in the regulations governing this program (42 CFR Part 122, Subpart C), and will be based, in part, upon a determination by the Secretary of the population of the health service area. Section 122.204 of the governing regulations provides that the Secretary will determine the populations of such areas based upon the latest available estimate from the Department of Commerce and will publish annually in the **Federal Register** a list of all health service areas and their populations.

Dated: October 2, 1979.

Henry A. Foley, Ph. D.,

Administrator, Health Resources Administration.

[FR Doc. 79-31290 Filed 10-10-79; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-79-894]

Use of Materials Bulletin No. 80 for Spray Applied Cellulosic Thermal Insulation

AGENCY: Department of Housing and Urban Development, Office of Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Notice of adoption of Use of Materials Bulletin.

SUMMARY: The attached Federal Register Notice, which promulgates HUD's new Use of Materials Bulletin No. 80 (UM 80), includes: (1) analysis of public comments and (2) revised requirements for spray applied cellulosic thermal insulation.

Since no Federal Specification or other nationally recognized standard has been published for spray applied cellulosic thermal insulation, this Bulletin responds to the need. When a suitable national standard has been developed through regular standards-making procedures, HUD will withdraw its Bulletin.

EFFECTIVE DATE: October 31, 1979.

FOR FURTHER INFORMATION CONTACT: Donald K. Baxter, Director, Materials Acceptance Division, Office of Architecture and Engineering Standards, Department of Housing and Urban Development, Washington, D.C. 20410, Telephone: (202) 755–5929.

SUPPLEMENTARY INFORMATION: A Notice of proposed requirements was published in the **Federal Register** on September 26, 1978 at 43566. Comments were received. A Summary of these comments and the revisions made to the proposed Bulletin are described below.

1. The U.S. Department of Interior requested an exception for the use of spray applied cellulosic insulation in historic buildings. The use of ammonium or aluminum sulfate as fire retardants in the insulation may react with moisture or water vapor, forming sulfuric acid which can cause the deterioration of some building stone, old lime and plasters used in historic structures. HUD's test for corrosiveness as outline in Section 9.6 of UM 80, provides for aluminum, copper and steel to be tested for corrosion. These materials are generally more susceptible to deterioration than masonry or masonry derivatives. Although spray applied cellulosic insulation could be used in historic structures, HUD limits the use of UM 80 to new residential construction.

2. The U.S. Department of Agriculture, Forest Products Laboratory commented as follows:

(1) Seven different specimen conditioning requirements are specified throughout the Bulletin. These should be reduced to no more than three. This suggestion will require future modification of existing ASTM test procedures and cannot be incorporated at this time.

(2) The equation for moisture absorption calculation shown in Section 9.5.5 should differentiate between the two "W" 's being used. This suggestion has been adopted, using W_1 and W_0.

(3) The six measurements of depth or thickness in Sections 9.1.3.3 and 9.9.5.5, should be accomplished by using the same area configuration for each square foot. This suggestion has been incorporated.

3. The Society International Cellulose Insulation Manufacturers commented as follows:

(1) UM 80 should distinguish between the two different types of spray-on insulation: one for sound control; the other for heat loss control. Paragraph 1.2 of UM 80 has been revised to address only thermal insulation for heat loss control in residential housing.

(2) UM 80 should specify a fire hazard classification in Paragraph 4.1 of 0–25 by ASTM E 84, to be consistent with the intent of Public Law 95–319. This suggestion has been adopted.

(3) UM 80 should not refer to metal screening in Paragraph 9.6.3.3 because of the possibility of electrolytic corrosion. This suggestion has been adopted by referring to nonmetallic screening.

(4) Paragraph 9.7.3.5 should be revised to read: "Humidity Chamber capable of environmental control in all areas of the chamber to 120 ± 3 F and 90 ± 3% relative humidity." This has been adopted.

4. The Cellulose Insulation Manufacturers Association, commented as follows:

(1) In Paragraph 9.6.3.4 the number of days for testing the materials should be changed from 28 to 14 days. The wording has been changed to 336 hrs. (14 days).

(2) Paragraph 9.9.5.3 should be changed to read: "The velocity shall not be less than 800 feet/minute for 24 hours. This suggestion has been adopted.

(3) The Asssociation does not concur with the requirement that the manufacturers of spray-on material should be required to approve and license applicators of spray applied cellulosic insulation. HUD believes that each applicator shall not only be a licensed applicator but, as a further protection to the consumer, shall be required to reveal to the consumer that he is licensed, and shall, upon completion of the insulation, certify the type, amount, thickness and R-value of the insulation installed.

Copies of UM 80 are being printed and will be distributed to all Field Offices. A copy may be requested from HUD's Office of Architecture and Engineering Standards, Room 6178, HUD Building, Washington, D.C. 20410. Telephone: (202) 755–5929.

The Department has determined that an Environmental Impact Statement is not required with respect to this notice. A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 was made in accordance with

HUD procedures for the proposed rule and is aplicable to this final rule. A copy of the Finding of Inapplicability is available for inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 24010.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b) of U.S. Housing Act of 1937, 42 U.S.C. 1437(d))

Issued at Washington, D.C. on October 2, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-31328 Filed 10-10-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Calf Creek Recreation Area; Closure of Lands to Off Road Vehicle Use

Notice is hereby given that effective October 20, 1979, the Cedar City District, Bureau of Land Management, closes to all forms of off road motorized vehicle use, the public lands known as Calf Creek Recreation Area. This closure is in accordance with provisions 43 CFR Part 8340, Subpart 8342. Vehicle use will be restricted to the McGrath Bench Jeep Road and Upper Calf Creek Falls trailhead access road. Use of motorized vehicles within Calf Creek Campground is governed by regulations found in 43 CFR 8363.1–4 "Rules of Conduct." These closures are in accordance with the Calf Creek Recreation Area Management Plan completed in 1976. The closure aggregates 5835 acres.

The hiking trails known as the Lower and Upper Calf Creek Falls Trails will also be closed to motorized vehicle use.

The boundaries of the area are posted, with boundary maps available at the Escalante Resource Area Office, Escalante, Utah, and at the Bureau of Land Management, Cedar City District Office, 1579 North Main, Cedar City, Utah.

Dated: September 25, 1979.

Morgan Jensen,

District Manager

[FR Doc. 79-31349 Filed 10-10-79; 8:45 am]

BILLING CODE 4310-84-M

Deer Creek Recreation Area; Closure of Lands to Off Road Vehicle Use

Notice is hereby given that effective October 20, 1979, the Cedar City District, Bureau of Land Management, closes to all forms of off road motorized vehicle use, the public lands known as Deer Creek Recreation Area, Deer Creek from the recreation area south to the boundary of the North Escalante Outstanding Natural Area (ONA), and eight other scattered tracts of land bordering the North Escalante Canyon Outstanding Natural Area, Phipps Death Hollow Outstanding Natural Area and the Gulch Outstanding Natural Area. This closure is in accordance with the provisions of 43 CFR Part 8340, Subpart 8342. Vehicle use will be restricted to the Deer Creek Road, north from the Long Canyon Road, supplying access to private lands and the McGrath Jeep Road just north of Calf Creek Recreation Area. The closure aggregates approximately 5450 acres.

The purpose of the closures are: (1) to protect public health and saftey in the Deer Creek Recreation Site; and (2) protect outstanding natural, scenic, backcountry and other environmental resource values adjacent to the previously designated North Escalante Canyon ONA, Phipps Death Hollow ONA and the Gulch ONA.

The legal description of the "closed" lands are as follows:

T. 34 S., R. 4 E.,
Sec. 4, N½ N½ SW¼, SW¼SW¼;
Sec. 5, E½, E½W½;
Sec. 8, NE¼;
Sec. 9, W½NW¼.
T. 34 S., R. 5 E.,
Sec. 16, all;
Sec. 20, E½, SE¼;
Sec. 21, N½, SW¼, W½SE¼;
Sec. 28, W½;
Sec. 29, E½;
Sec. 33, W½;
T. 35 S., R. 5 E.,
Sec. 4, all;
Sec. 5, E½;
Sec. 9, NE¼NE¼;
Sec. 20, NW¼NE¼, S½NE¼NE¼;
Sec. 21, S½N½NW¼, S½NE¼;
Sec. 22, S½NW¼, SW¼SE¼;
Sec. 25, NW¼NW¼;
Sec. 26, SE¼SW¼, W¼NE¼SW¼, W½SW¼SE¼;
Sec. 35, NE¼.
T. 35 S., R. 6 E.,
Sec. 31, S½SW¼, SW¼SE¼, S½SE¼ SE¼;
Sec. 33, W½W½.
T. 36 S., R. 6 E.,
Sec. 4, SE¼SE¼;
Sec. 5, W½NW¼NE¼, SW¼NE¼, E½SE¼.

The existing outstanding natural areas have been managed to exclude off road vehicle use since designation, in accordance with policy in 43 CFR 6225 Natural Areas.

The boundaries of the areas are posted, with boundary maps available at the Escalante Resource Area Office, Escalante, Utah, and at the Bureau of Land management, Cedar City District Office, 1579 North Main, Cedar City, Utah.

Dated September 25, 1979

Morgan Jensen,

District Manager.

[FR Doc. 79-31350 Filed 10-10-79; 8:45 am]

BILLING CODE 4310-84-M

Las Vegas BLM Plans; Wilderness Openhouse

The Las Vegas District, Bureau of Land Management, will conduct an openhouse from 2 to 4:30 p.m. and from 7 to 9 p.m. at the district office, 4765 W. Vegas Drive, Las Vegas, NV, on Oct. 18, 1979 to obtain public comment on the proposals set forth as a result of the Overthrust Belt Special Wilderness Inventory. The 90-day public comment period on these proposals will end on Oct. 23, 1979.

October 2, 1979.

John S. Boyles,

District Manager.

[FR Doc. 79-31353 Filed 10-10-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38242]

New Mexico; Notice of Application

October 1, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for one 4-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 27E.,
Sec. 36, S½SE¼.
T. 20 S., R. 27 E.,
Sec. 1, lots 2, 3, 4 and SW¼NW¼;
Sec. 2, NE¼NE¼ and S½NE¼.
T. 19 S., R. 28E.,
Sec. 31, lots 3, 4, S½NE¼, NE¼SW¼ and NW¼SE¼.

This pipeline will convey natural gas across 2.447 miles of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management.

P.O. Box 1397, Roswell, New Mexico 88201.

Michael T. Solan,

Chief, Division of Technical Services.

[FR Doc. 79-31355 Filed 10-10-79; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 28022-j]

Northwest Pipeline Corp.; Notice of Pipeline Application

October 1, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for 4½" o.d. natural gas pipeline, approximately 0.4 miles long, across the following public lands in Garfield County:

Sixth Principal Meridian, Colorado

T. 9 S., R. 96 W.,
Sec. 31: NE¼NE¼;
Sec. 32: NW¼NW¼.

The proposed lateral pipeline will enable the applicant to convey natural gas from the Chandler & Associates Shire Gulch #1-31 wellhead to their gathering system.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objection must be filed with the Team Leader, Canon City-Grand Junction Team, 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.

Rodney A. Roberts,

Leader, Canon City-Grand Junction Team Branch of Adjudication.

[FR Doc. 79-31354 Filed 10-10-79; 8:45 am]

BILLING CODE 4310-84-M

Oliver Mountain and South Creek; Closure of Lands to Off Road Vehicle Use

Notice is hereby given that effective October 20, 1979, the Cedar City District, Bureau of Land Management, closes to all forms of motorized vehicle use, the public lands lying immediately north of the town of Hildale, Utah and south of Springdale, Utah, known as Canaan Mountain, Lower Mountain, South Mountain (sometimes called Ghost or Oliver Mountain) and portions of South Creek. This closure is in accordance with provisions 43 CFR Part 8340, Subpart 8342.

The objective of the closure is to prevent loss of outstanding scenic, historical, backcountry and other environmental resource values.

The Canaan Mountain was originally closed to all forms of Off Road Vehicle Use on December 5, 1974 via Closure Order 28797, published in the Federal Register on December 5, 1974; Vol. 39, No. 235. The authority for this closure was rescinded by Court Order on May 2, 1975. This closure order designates the lands as closed, based on new authority, published as final rulemaking on July 15, 1979, Vol. 44, No. 117.

The legal description of this area is:

Salt Lake Meridian, Utah

T. 42 S., R. 9½ W.,
Portions of Sections 18, 19, and 30.
T. 42 S., R. 10 W.,
All of Sections 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, and 35;
Portions of Sections 17, 18, 19, 30, and 31.
T. 42 S., R. 11 W.,
Portions of Sections 21, 22, 23, 26, 27, 34 and 35.
T. 43 S., R. 9½ W.,
Portions of Section 7.
T. 43 S., R. 10 W.,
All of Sections 1, 3, 4, 5, 6, 9, 10, 11, 12, and 15;
Portions of Sections 7, 8, 13, 14, 17, 20, 21, 22, 23, 27, 28 and 29.
T. 43 S., R. 11 W.,
All of Section 1;
Portions of Sections 11 and 12.
Total 26,816 acres.

The boundaries of the closure are posted on the attached map which is also available at the District Office, 1579 North Main, Cedar City; Dixie Resource Area, Dixie Office Building, St. George, Utah and on file in the Bureau of Land Management, State Office University Club Building, Salt Lake City, Utah.

Dated: September 25, 1979.

Morgan Jensen,

District Manager

[FR Doc. 79-31351 Filed 10-10-79; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Redwood National Park; Intent

Notice is hereby given that the National Park Service will hold a series of five public meetings in California on the draft Environmental Statement for the Redwood National Park General Management Plan during November 1979.

Each of the meetings will begin at 7:30 p.m., except in San Francisco where the beginning time is 10:00 a.m. The dates, and location of the meetings are as follows:

Nov. 10, 1979—Headquarters Building, Golden Gate National Recreation Area, Fort Mason, San Francisco.

Nov. 13, 1979—Sunnybrae Middle School, 1430 Buttermilk Lane, Arcata.

Nov. 14, 1979—Auditorium, Eureka Senior High School, 1915 J Street, Eureka.

Nov. 16, 1979—Grange Hall, U.S. Highway 101, Orick.

Nov. 17, 1979—Crescent City Cultural Center, Front and K Streets, Crescent City.

Concurrent with the public meetings the National Park Service will consult with various Federal, State and local government agencies, individuals and organizations on the draft Environmental Statement for the Redwood National Park General Management Plan.

The purpose of these meetings and consultations is to provide for wide citizen participation through which the Service will receive ideas, suggestions and comments from the public on the draft Environmental Statement for the Park's General Management Plan.

The public record will remain open until Dec. 17, 1979, during which time written comments on the planning document will be welcomed, reviewed and considered. Anyone wishing a copy of the Summary of the draft Environmental Statement, additional information on the public meetings or the National Park Service planning process, or those wishing to submit comments on the planning documents may write to the Superintendent, Redwood National Park, Drawer N, 1111 Second Street, Crescent City, Calif. 95531.

Dated: October 3, 1979.

John H. Davis,

Acting Regional Director, Western Region, National Park Service.

[FR Doc. 7-31329 Filed 10-10-79; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining and Reclamation

[Federal Lease Nos. D-056298 and C-0126480]

Pending Decision To Approve With Stipulations a Major Modification to the Eagle Mines Complex for the Construction of a Coal Loadout Facility

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice of Pending Decision to approve a Proposed Major Modification to the Coal Mining and Reclamation Plan for the Construction of a Coal Loadout Facility.

SUMMARY: Pursuant to § 211.5 of Title 30 and § 1506.6 of Title 40, notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSM) has completed a technical and environmental review of the proposed modification to a previously approved mining and reclamation plan and has recommended approval of the plan with stipulations. The area directly affected by the proposed approval is described below.

Location of Lands To Be Affected

Applicant: Empire Energy Corporation.

State: Colorado.

County: Moffat.

Township, Range, Section: T6N, R91W, SW1/4; 31, T5N, R91W, NW1/4; 6.

Office of Surface Mining Reference No.: CO-0019.

The proposed modification has been reviewed by the Office of Surface Mining according to Parts 744, 783, and 784 of Title 30, Code of Federal Regulations.

The proposed modification involves the construction of a coal loadout facility that would process federal coal. The loadout facility is located approximately seven miles south-southwest of Craig, Colorado, north of State Highway 13, and immediately adjacent to the Williams Fork River, at an elevation of approximately 6,370 feet. The location is one-half mile upstream of the confluence of the Williams Fork and Yampa Rivers.

The proposed modification involves the construction of a 10,000 ton coal silo and associated conveyor and crushing facilities. The coal to be handled at the proposed loadout facility is to be mined from the P, C, E, and F seams.

The construction of surface facilities would disturb about 20 acres of land. The coal would be shipped via railroad to Illinois Power Company, Iowa Power Company and the City of Colorado Springs. The reported annual production is 500,000 tons.

Because of the potential for disturbance of acquatic habitat and since there is a potential for the disturbed habitat to contain a species listed as endangered, pursuant to the Endangered Species Act of 1973 as amended, the OSM has requested formal consultation with the U.S. Fish and Wildlife Endangered Species Office. OSM has received formal notification from U.S. Fish and Wildlife Service that the proposed action will not adversely affect the endangered species.

Notice of availability of the plan for public review was published in the Federal Register on September 21, 1979 (44 FR, No. 185, pp. 54786). The OSM has prepared a technical and environmental analysis of the proposal.

The purpose of this notice is to inform the public that OSM has completed its review and has included the reviews of the Colorado Mined Land Reclamation and other Departmental Agencies. Based on this review and analysis of the mining and reclamation plan, the Regional Director, Region V, Office of Surface Mining, is recommending approval of the loudout facility with stipulations.

Any persons having an interest which is or may be adversely affected by the proposed modification may, in writing, request a public meeting to discuss their views regarding the plan.

DATES: All requests for a public meeting must be made on or before October 29, 1979. No decision on the plan will be made by the Assistant Secretary, Energy and Minerals, prior to the expiration of the 20-day period.

The mining and reclamation plan, associated materials, the technical analysis, environmental analysis and proposed stipulations are available on request for review in the Region V Office of Surface Mining (Room 207, Post Office Building). Requests for a public meeting must be submitted in writing to the Regional Director, Region V, Office of Surface Mining, Room 270, Post Office Building, 1823 Stout Street, Denver, Colorado 80202. The request must include the name and address of the requestor.

FOR FURTHER INFORMATION CONTACT: Keith Kirk, Office of Surface Mining, Region V, 1823 Stout Street, Denver, Colorado 80202, phone 303-837-3773.

[Federal Coal Lease Nos. D-056298 and C-0126480]

Paul L. Reeves,

Acting Director.

[FR Doc. 79-31369 Filed 10-10-79; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

Water Quality of the Poplar River; Public Hearing Amended

The International Joint Commission will hold further public hearings to those held on September 10 and 11, 1979 at the times and places noted below to receive testimony and evidence related to the recent report of its International Poplar River Water Quality Board. This Board was requested by the IJC to study and report on the water quality of the Poplar River basin (with particular emphasis on the East Poplar), including present quality, the factors affecting water quality and its uses, and the consequent effects of: (1) Apportionment as recommended by the International Souris-Red Rivers Engineering Board's task force; (2) a 600 MW thermal power project; and (3) other reasonably foreseeable water uses.

Copies of the Board report may be obtained from the International Joint Commission in Ottawa at the address noted below and at the office of Environment Canada, Motherwell Building, Victoria Street, Regina, Saskatchewan.

Residents of Canada and the United States may testify at these hearings and statements may be made orally or in writing. Information may be offered on a speaker's own behalf or in a representative capacity. The hearing in Regina will receive testimony from both the public and government representatives. On the first day of the hearings in Scobey, the Commission will receive testimony and evidence from members of the general public acting on their own behalf or on behalf of citizens groups or associations. On the second day in Scobey, the Commission will receive testimony and evidence from elected public officials, officials of departments and agencies of governments, and representatives of business and industry.

While not mandatory, written statements are desirable to supplement oral testimony and to ensure accuracy of the record. When a written statement is presented, the Commission requests 30 copies, if convenient.

Time allotted to each witness may be limited. If a written statement will take

more than 10 minutes to present, a summary statement should be given and the full statement presented for the record. Copies of the letter of reference from the Governments of Canada and the United States to the Commission are available on request from the International Joint Commission.

Times and Places of Hearings

October 15, 1979—Hotel Saskatchewan, Regina, Saskatchewan—7:00 p.m.

October 16, 1979—Catholic Centre, Scobey, Montana—1:00 p.m. to 5:30 p.m.; 7:30 p.m. to 9:30 p.m.

October 17, 1979—Catholic Centre, Scobey, Montana—10:00 a.m. to 12:30 p.m.; 2:00 p.m. to 6:00 p.m.

D. LaRoche,

Secretary, United States Section, International Joint Commission, 1717 "H" Street, N.W., Washington, D.C. 20440.

D. G. Chance,

Secretary, Canadian Section, International Joint Commission, 100 Metcalfe Street, Ottawa, Ontario

October 4, 1979.

[FR Doc. 79-31516 Filed 10-10-79; 8:45 am]

BILLING CODE 4710-14-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-69]

Certain Airtight Cast-Iron Stoves; Notice Adding 26 Respondents and Designating This Investigation as More Complicated

Background

On August 21, 1979, the Commission investigative attorney filed a motion to amend the complaint in the above-captioned case to add 28 respondents under the authority of 19 CFR 210.20(d). On September 11, 1979, the Commission investigative attorney moved to supplement his motion of August 21 by removing two named respondents and adding one additional respondent. The present notice and action involves only the 26 proposed respondents remaining on the August 21 motion.

On September 11, 1979, the Administrative Law Judge issued Order No. 7, recommending that five exporters of the cast-iron stoves in question be added as repondents and that the remaining 21 companies, all importers, not be added. She expressed concern that the addition of the importers at this time could result in too little time being available for discovery. She recomended that the deadline for completion of the investigation be extended to a time no later than 12 months after publication of an amended notice in the **Federal Register**, in order to allow sufficient time for discovery by the added parties. On September 27, 1979, upon Motion for Reconsideration by the Investigative Attorney, the Administrative Law Judge issued Order No. 8, recommending that the additional 21 importers be added as respondents.

Commission Order

After considering the Administrative Law Judge's recommendations as well as the complexity of issues and the great volume of evidentiary materials present in this investigation, the Commission declares this investigation "more complicated" within the meaning of 19 U.S.C. 1337(b)(1) and 19 CFR 210.15. A period of six additional months is provided for completion of this investigation. The extended investigation will be completed no later than January 12, 1981. The Commission also orders the addition of the following respondents:

1. KFK Industrial Co., Ltd., P.O. Box 1574, Taipei, Taiwan.
2. Sutherland Lumber Co., 4000 Main Street, Kansas City, Missouri 64111.
3. The Dutchwest India Group, 109, 5th Floor Kuang, Fu N. Road, Taipei, Taiwan.
4. Basco, Inc., 2130 Rt. 38, Cherry Hill, New Jersey 08002.
5. Tetro Imports, P.O. Box 1128, Plattsburgh, New York 12091.
6. Hutch Manufacturing Company, Building Products Mfg. Division, 200 Commerce Avenue, P.O. Box 350, Loudon, Tennessee 37774.
7. Stratford Manufacturing Co., P.O. Box 8-227, Taipei, Taiwan.
8. Gambles Import Corporation, 2777 North Ontario Street, Burbank, California 91504.
9. Central Hardware, 111 Boulder Drive, Bridgeton, Missouri 63044.
10. Harbor Sales Company, 26711 Woodward, Royal Oak, Michigan 48068.
11. Meteor Design International Ltd., 1074 E. Jericho Turnpike, Huntington, New York 11743.
12. Huan Enterprise Corporation, FL. 4,29, Lane 161, Section 1, Sin-Shenk South Road, Taipei, Taiwan.
13. Abundant Life Farm, Inc., Box 188, Lochmere, New Hampshire 03252.
14. White Mountain, Inc., 201 Great Mountain Road, Acton, Massachusetts 07120.
15. World Wide Distributors, Inc., P.O. Box 088607, Seattle, Washington 98188.
16. Belknap, Inc., P.O. Box 32900, Louisville, Kentucky 40232.
17. Collins Co., Ltd., Formosa Plastic Buildings, 6th Floor 201 Tung Hwa, North Road, Taipei, Taiwan. 698 High Street, P.O. Box 61, Worthington, Ohio 43085.
18. Nelson & Small, Inc., 212 Canco Road, Portland, Maine 04103.
19. Fireplace Distributors, 5900 Empire Way So., Seattle, Washington 98119.
20. Pay N Pak Stores, Inc., P.O. Box 808, Kent, Washington 98031.
21. International Foundries, 1255 Post Street, STE 625, San Francisco, California 94109.
22. Hanark Enterprises, Inc., 270 Oser Avenue, Hauppage, New York 11787.
23. Ranch-Rite, Inc., 1 Ranch-Rite Road, Yakima, Washington.
24. Omni Trading Company, P.O. Box 9096, Yakima, Washington 98909.
25. Wood Heat, Rt. 212 Pleasant Valley, Quakertown, Pennsylvania 18951.
26. Homestead Products, Star Route, Box 273, Dept. W., Ramona, California 92065.

Opinion

Section 337 of the Tariff Act of 1930, as amended, provides that the Commission shall conclude its investigation "at the earliest practicable time, but not later than one year (18 months in more complicated cases) after the date of publication of notice of such investigation." (19 U.S.C. 1337(b)(1).) Commission rule 210.15 (19 CFR 210.15) establishes the criteria under which the Commission must decide whether to designate the investigation as more complicated. These are (1) the complexity of the subject matter; (2) the difficulty in obtaining information; and (3) the large number of parties involved. In this case it is abundantly clear that all three criteria have been met, although the rule requires that only one of the criteria be met.

The primary development in this case that necessitates its being designated "more complicated" is today's addition of 26 respondents to the 25 named in the notice of investigation. The addition of these parties makes the obtaining of information much more difficult and slower. The larger number of parties involved will mean that the new respondents will need time to obtain counsel so that they may participate in the case. It will also mean that discovery will be more laborious simply because the number of respondents is doubled. The complexity of the subject matter in this case results from the four allegations found in the notice of institution: (1) common law trademark infringement; (2) infringement of a U.S. registered trademark; (3) passing off; and (4) false advertising.

It is in the public interest that all 26 respondents be added. The addition of these respondents insures that adequate relief will be available if the Commission determines that section 337(a) has been violated.

The respondents named in the notice of institution of the investigation included 10 importers. Some of the unfair methods of competition and unfair acts include alleged violations by importers that are separate and distinct from the unfair acts and unfair methods of competition alleged against the manufacturer/exporters. In addition, there is apparently a large inventory of the product in question already in the United States. Because a cease and

desist order may be an appropriate remedy in case of determination of violation, it is necessary that all parties who may be subject to a cease and desist order be joined. The public interest will best be served by addressing any cease and desist orders to all parties found to be violating the statute.

In keeping with the above considerations the Commission therefore adds as respondents the 26 companies named above, as provided by rule 210.20(d), and designates this investigation as "more complicated," as provided by rule 210.15.

By order of the Commission.

Issued: October 5, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-31429 Filed 10-10-79; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-64]

Certain High-Voltage Circuit Interrupters and Components Thereof; Notice and Order of Suspension of Investigation

On August 7, 1979, the administrative law judge in Certain High-Voltage Circuit Interrupters and Components Thereof determined that his order denying suspension of the investigation involved a controlling question of law or policy as to which there is a substantial ground for difference of opinion, and that an immediate appeal from the order may materially advance the ultimate completion of the investigation. Accordingly, he ordered—

the moving respondents' application for Review of the Suspension Part of the Presiding Officer's Order Denying Respondent's Motions to Terminate or Suspend Investigation, issued on July 2, 1979 BE AND HEREBY is transmitted to the Commission, with the RECOMMENDATION that the Commission, if it grants the application, affirm the stated prior order of the presiding officer.

The administrative law judge's order arises from motion No. 64-30 filed on July 16, 1979, by respondents Compagnie Generale d'Electricite, Delle-Alsthom, and Cogenel, Inc., pursuant to Commission rule 210.60(b). The motion sought the administrative law judge's permission to file an application for review by the Commission of the suspension part of the administrative law judge's July 2, 1979, order denying respondents' motion to terminate or suspend the investigation. Complainant Westinghouse Electric Corporation and the Commission investigative attorney filed oppositions to the motion on July 26 and July 30, 1979, respectively.

On August 14, 1979, the respondents filed the application for review and complainant Westinghouse Electric Corp. and the Commission investigative attorney filed oppositions thereto on August 15 and 21, 1979, respectively.

The Commission hereby grants the respondents' application for review of the administrative law judge's order denying the motion to suspend investigation No. 337-TA-64 and suspends the investigation until the conclusion of the Patent and Trademark Office reissue proceeding concerning U.S. Letters Patent No. 3,291,947. This order is effective upon the date of issuance. The opinions of the Commission will be issued subsequently.

By order of the Commission.

Issued: October 4, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-31430 Filed 10-10-79; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-71]

Certain Anaerobic Impregnating Compositions and Components Therefor

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The preliminary conference originally scheduled for October 3, 1979, is postponed indefinitely, and will be rescheduled by Administrative Law Judge Janet D. Saxon.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: October 1, 1979.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 79-31431 Filed 10-10-79; 8:45 am]

BILLING CODE 7020-02-M

Electric Golf Cars From Poland; Receipt of Application for Review of Determination of Injury Under the Antidumping Act, 1921, as Amended, and Request for Public Comments

The United States International Trade Commission is in receipt of an application for review of its determination of injury in Electric Golf Cars From Poland, investigation No. AA1921-147 under the Antidumping Act, 1921, as amended. On September 16, 1975, the Commission, Commissioner Moore dissenting, determined that an industry in the United States is being injured by reason of the importation of electric golf cars that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

The instant application for review is brought by Melex USA, Inc. ("Melex") pursuant to section 207.5 of the Commission's Rules of Practice and Procedures (19 CFR 207.5). Melex alleges that changed circumstances exist which indicate that, if the finding of dumping issued by the Secretary of the Treasury were modified or revoked, an industry in the United States would not likely be injured, or be prevented from being established, by reason of the importation into the United States of golf cars from Poland at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Melex, therefore, requests that the Commission institute an investigation concerning the review of its September 16, 1975, determination in investigation No. AA1921-147.

The final action of the Secretary of the Treasury in investigation No. AA1921-147 was taken on November 18, 1975 (40 FR 53383). Section 207.5(c) of the Commission's rules provides that "in the event that two years have elapsed since the final action of the Secretary of the Treasury, the Commission shall publish a notice of having received an application for review in the **Federal Register,** inviting public comments on the question of whether the Commission should conduct a review." (19 CFR 207.5(c).) Public comments, therefore, are requested as to whether the Commission should conduct the review which Melex has requested. Comments should be in writing and should be directed to the Secretary, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436. Comments will be considered by the Commission if received on or before November 12, 1979.

Copies of the nonconfidential version of the application of Melex USA, Inc., for institution of an investigation pursuant to 19 CFR 207.5 to review the Commission's determination under section 201(a) of the Antidumping Act, 1921, as amended, in Electric Cars From Poland (investigation No. AA1921-147), and the Commission's report in investigation No. AA1921-147 (USITC Publication No. 740) are available for public inspection in the Office of the Secretary of the Commission.

By order of the Commission.
Issued: October 2, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-31432 Filed 10-10-79; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Attorney General

U.S. v. Beatrice Foods Co.; Proposed Consent Judgment in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR § 50.7, 38 Fed. 19029, notice is hereby given that a proposed consent decree in *United States* v. *Beatrice Foods Company*, Civil Action No. 78-2021, has been lodged with the District Court for the Northern District of Iowa. The proposed decree requires the defendant to meet BPT effluent limitations. The decree also requires the defendant to pay $5,000.00 in penalties. In addition the decree imposes certain stipulated penalties for certain violations of its provisions.

The Department of Justice will receive written comments relating to the proposed judgment for thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and refer to *"United States* v. *Beatrice Foods Inc.,"* D.J. Ref. No. 90-5-1-1-1019.

The proposed decree may be examined at the Office, of the United States Attorney, United States Courthouse, Cedar Rapids, Iowa 52401; at the Region VII Office of the Environmental Protection Agency, Enforcement Division. 1735 Baltimore Street, Kansas City, Missouri 64108 and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2625, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

James W. Moorman,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 79-31352 Filed 10-10-79; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under Antarctic Conservation Act of 1978, Pub. L. 95-541

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by November 9, 1979. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 632-4238.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommend establishment of a permit system for various activities in Antarctica and designation of certain mammals and certain geographic areas as requiring special protection. The regulations establish such a permit system and a way to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations were presented for public comment in draft form in the March 6, 1979 **Federal Register**. They appeared in final form in the June 7, 1979 **Federal Register**. They are effective July 1, 1979, in advance of the 1979-80 field season.

The purpose of these regulations is to conserve and protect the mammals, birds, and plants of Antarctica and the ecosystem upon which they depend. To that end, unless the following activities are specifically authorized by permit, it is unlawful:

To take any mammal or bird native to Antarctica (note that "take" means "to remove, harass, molest, harm, pursue, hunt, shoot, wound, kill, trap, capture, restrain, or tag" any native mammal or bird or to attempt to engage in such conduct).
To collect any plant native to Antarctica in Specially Protected Areas.
To enter any Specially Protected Area or certain Sites of Special Scientific Interest.
To import into or export from the United States any mammal or bird native to Antarctica or any plant collected in a Specially Protected Area.
To introduce to Antarctica any nonindigenous plant or animal.

The Antarctic Conservation Act of 1978 mandates civil and criminal penalties for noncompliance with the regulations.

All mammals and birds normally found in Antarctica, excluding whales regulated by the International Whaling Commission, are designated as native mammals or native birds. Activities involving these mammals or birds require a permit. Areas of outstanding ecological interest are designated as Specially Protected Areas. No one may enter these areas or collect any native plants in these areas without a permit. Areas of unique scientific value that need protection from interference are designated as Sites of Special Scientific Interest. Entry into certain of these areas without a permit is prohibited.

The permit system is described in the regulations. To obtain a permit, each applicant must provide the scientific names and numbers of native mammals or birds to be taken, including age, size, sex, and condition (e.g., pregnant or nursing) or the scientific names and numbers of native plants to be collected in a Specially Protected Area. Each applicant must include a complete description of the location, the time period, and the manner of taking or collecting specimens. If the specimens are to be imported into the United States, the applicant must also indicate the ultimate disposition of the materials.

Permits for taking or collecting mammals, birds, or plants will be issued by the Director of the National Science Foundation or his designated representative. Each permit will be evaluated in terms of the objective of the Antarctic Conservation Act, that is, the conservation and protection of Antarctic flora and fauna and the Antarctic ecosystem. Permits issued under these regulations (or copies of them) must be held in the possession of those authorized to engage in a permitted action. The permits must be displayed upon request to any person responsible for enforcing the regulations.

Anyone who knowingly commits an act prohibited by the Antarctic Conservation Act of 1978 is liable to a civil penalty of up to $10,000 for each violation. If the violation was committed without knowledge of the regulations, the fine will not exceed $5,000. Criminal penalties for willful violation of the regulations may involve a fine of up to $10,000 and/or imprisonment for not more than 1 year.

The Antarctic Conservation Act of 1978 does not supersede the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, or the Migratory Bird Act. Permit applications involving native mammals or native birds covered by these acts will be forwarded by NSF to the agencies that administer them. If a proposed activity involves approval under more than one law, then the activity must satisfy the conditions of all applicable laws or a permit cannot be granted. Even if a permit is approved by other appropriate agencies, the Director of the National Science Foundation still must decide whether to issue a permit according to the requirements of the Antarctic Conservation Act of 1978.

The regulations amend Title 45 of the Code of Federal Regulations by adding Part 670.

The applications received are:

1 *Applicant:* Arthur L. DeVries, University of Illinois, Urbana, Illinois 61801.

Activities for Which Permit Requested

Take Weddell Seals.

Location

McMurdo Sound.

Dates

November 15, 1979—March 31, 1980.

2. *Applicant*: David H. Elliott, Director, Institute of Polar Studies, Ohio State University, Columbus, Ohio 43210.

Activities for Which Permit Requested

Enter Specially Protected Area.
Enter Site of Special Scientific Interest.

Location

Cape Shirreff—Specially Protected Area.
Byers Peninsula—Site of Special Scientific Interest.

Dates

December 20, 1979–March 20, 1980.

3. *Applicant*: Jonathan Ward, CBS Evening News, 524 West 57th Street, New York, New York 10019.

Activity for Which Permit Requested

Enter Specially Protected Area.
Take Penguins.

Location

Cape Royds and/or Cape Bird, Ross Island.

Dates

November 10–30, 1979.

Authority to take this action has been delegated by the Director, NSF to the Director, Division of Polar Programs under National Science Foundation Staff Memorandum O/D 79–16, of May 29, 1979.

Edward P. Todd,

Director, Division of Polar Programs.

[FR Doc. 79–31356 Filed 10–10–79; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Privacy Act of 1974; Systems of Records; Annual Publication

Agencies are required by a provision of the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The National Transportation Safety Board (NTSB) last published the full text of its systems at 42 FR 47441, September 20, 1977. This was incorporated by reference in a notice published at 43 FR 39941, September 7, 1978. The NTSB has made no changes in any of its systems since either of those publications. Therefore, the systems remain in effect as published.

The full text of the systems of records also appears in Privacy Act Issuances, 1978 Compilation Volume IV page 472. The price of this Volume is $10.50. It may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Fritz L. Puls,

General Counsel.

October 4, 1979.

[FR Doc. 79–31480 Filed 10–10–79; 8:45 am]

BILLING CODE 4910–58–M

[N–AR 79–41]

Safety Recommendation Letters and Responses; Availability

Aviation Safety Recommendations

A–79–75 to the Federal Aviation Administration.—On December 21, 1978, a Cessna 207 crashed while on approach to Chevak, Alaska, killing two persons and seriously injuring four others. Occasional "white-out" conditions near Chevak at the approximate time of the accident were reported by another pilot. Safety Board accident records indicate that in 27 accidents from 1973 through 1977, white-out was listed as a cause/factor. All of these accidents involved general aviation aircraft.

The Board notes that a pilot operating in white-out conditions is engulfed in what appears to be a uniformly white glow. Neither clouds, horizon, nor shadows are distinguishable; all sense of depth and orientation is lost and only very dark, nearby objects can be seen. Board investigations indicate there is a belief prevalent among pilots in Alaska that, based on prevailing visibility and ceiling, they are "technically" operating in visual meteorological conditions (VMC) while flying in white-out conditions.

In U.S. weather-observing practice, visibility is defined as the greatest distance in a given direction at which it is possible to see and identify with the unaided eye (a) in the daytime, a prominent dark object against the sky at the horizon, and (b) at night a known, preferably unfocused, moderately intense light source.

Based on this visibility definition, daytime estimates of visibility are subjective evaluations of atmospheric attenuation of contrast. In white-out conditions this contrast is nonexistent. Thus, the Board believes that a pilot is not "technically" operating in VMC while flying in white-out conditions.

The Board notes that the Airman's Information Manual, Chapter 8, Medical Facts for Pilots, cautions against the hazards of reduced or impaired vision; also Advisory Circular AC 91–13B, dated January 17, 1978, advises pilots to be prepared for white-out conditions. Neither publication incorporates a complete discussion of this meteorological phenomenon and its associated hazards comparable to the indepth discussion accorded the nature and hazards of thunderstorms as a meteorological phenomenon in Chapter 6 of the Airman's Information Manual. Accordingly, on October 2 the Safety Board recommended that FAA:

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. (Class II—Priority Action) (A–79–75).

A–79–79 to the Federal Aviation Administration.—On September 18, 1979, as American Airlines Boeing 707–323C Cargo Jet N7566A was about 10 miles northwest of Chicago's O'Hare Airport, the left inboard trailing edge flap separated at 190 knots and 9,500 ft above ground level. No one on the ground was injured. Inspection of the aircraft revealed that the flap track lower support fittings had failed. Detailed inspection by a Safety Board metallurgist revealed that the fitting, PN

65–2822, at wing station 293 had a small amount of preexisting fatigue damage.

Investigation revealed that there were no airworthiness directives issued previously. However, Boeing had issued Structural Interim Advisory No. 707/720–110, dated May 30, 1978, to apprise operators of cracking of the fittings. The advisory reported that, during inspections, five operators had detected seven cracked fittings at station 293. In some fittings the cracking was extensive. On May 30, 1978, Boeing also issued Advisory No. 707/720–111 apprising operators that cracks had been found across the base of the flap track's lower support fittings at wing station 438 on both wings of two aircraft. Cracks were reported on three airplanes.

The Safety Board is continuing the investigation to determine why N7566A had an in-flight failure and the extent to which the small amount of preexisting fatigue damage contributed to or caused the failure. In view of the evidence of fatigue on N7566A and the service experience reported in the Boeing advisories, the Safety Board believes that interim action should be taken to ensure that the integrity of the flap installations on other B707 aircraft is not impaired by cracks in the flap track lower support fittings. Therefore, the Board on September 28 recommended that FAA:

Issue an airworthiness directive to require a nondestructive inspection of 700–300/–300B/–300C/–400 models flap track lower support fittings and replacement if required. (Class I—Urgent Action) (A–79–79).

Intermodal/Railroad Safety Recommendations

I–79–5 through 11 to Department of Transportation.—The response to hazardous materials emergencies that result from transportation accidents continues to concern the Safety Board because of the dangers posed to the public and emergency response personnel. Observations of the emergency response following the March 1977 railroad derailment near Rockingham, N.C., involving a radioactive material shipment, prompted the Safety Board to initiate a special investigation into emergency plans for such accidents. The investigation disclosed significant inadequacies in the plans, as indicated in the Safety Board's soon-to-be-released special investigation report, "Onscene Coordination Among Agencies at Hazardous Materials Transportation Accidents."

As the Board's analysis was being completed, investigation into the April 1979 railroad derailment near Crestview, Fla., raised additional concerns about the Department of Transportation's plans for a national hazardous materials emergency response center, which will interact with local emergency response operations similar to those in the Crestview accident. The Safety Board believes that DOT needs to act to ensure that Federal and other plans for handling hazardous material transportation emergencies will mesh effectively and will adequately address safety problems identified in these investigations.

During investigation of the Rockingham accident the Board found that no single authority directed or coordinated the handling of the emergency, that communications among the personnel at the scene were ineffective, and that there were serious delays in evaluating the radiation hazard. On November 1, 1977, the Board recommended that DOT: Develop and disseminate guidelines for emergency response procedures in transportation accidents involving radioactive materials that will coordinate onscene leadership during all stages of the emergency and identify the responsibilities of the responding Federal, State, and local agencies in reducing injury and damage in such emergencies (I–77–2); and establish procedures to minimize the time required to identify radiation dangers at accident sites when radioactive materials are involved (I–77–3).

In its April 24, 1978, letter DOT informed the Safety Board that DOT "fully endorses both recommendations. . . ." However, to date neither recommendation has been implemented. The Board has been holding recommendation I–7–2 in an "Open—Unacceptable Action" category and I–77–3 in an "Open—Awaiting Reply" status.

The response actions reflected deficiencies in emergency response plans applicable to the Rockingham accident. Ten plans of apparent relevance to the incident were analyzed by the Safety Board during its special investigation. The analyses disclosed deficiencies common to all plans. These deficiencies included lack of provision for (1) clear-cut command of the emergency response, (2) coordination of effort, (3) communications, (4) a command post, and (5) control of accident site access.

The Safety Board's analysis of the emergency response at Rockingham and Crestview reinforces its concern that an effective hazardous materials emergency response network be established under the leadership of DOT to ensure prompt and adequate support for onscene officials handling such emergencies. As a result of its April 1978 public hearing into derailments and hazardous materials, the Safety Board recommended on June 29, 1978, that DOT: Supply the leadership required to establish an adequate nationwide hazardous materials emergency response network able to meet all facets of hazardous materials emergency response needs, using existing State and private resources whenever possible (I–78–10).

In response to that recommendation, the Secretary of Transportation directed the U.S. Coast Guard to develop and implement a national hazardous materials emergency response center. The proposed response center was to be built on the framework of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 1510) and utilize the National Response Center, Federal On-Scene Coordinator, National Response Team, Regional Response Team, and industry assistance.

In view of the above findings, the Safety Board on October 2 recommended that DOT:

Pursue action on recommendation I–77–2 and expand it to develop and disseminate guidelines for planning emergency response to transportation accidents involving all hazardous materials. These guidelines should clearly delineate the onscene command structure, establishment of a command post and communications, and structure of the coordination of efforts, and require control of access to the accident site. Furthermore, the relationships and responsibilities of the responding Federal, State, local, and private agencies should be clearly identified. (Class II—Priority Action) (I–79–5).

Develop a universal, highly visible means for identifying the onscene commander and command post at the site of hazardous materials emergencies, and promote its use among Federal, State, and local government agencies and private organizations. (Class II—Priority Action) (I–79–6).

Establish procedures to enable the national hazardous materials emergency response network, being developed under recommendation 2 of the September 1978 DOT Hazardous Materials Transportation Task Force Report, to provide for the rendering of advice to local public authorities in time to help them mitigate the effects of the incident during the earliest stages of an accident. (Class I—Urgent Action) (I–79–7).

Develop and arrange for distribution of a brief training program that will inform local public authorities regarding when and how to contact the planned national hazardous materials emergency response network, what specialized advice and supporting resources they can expect from the network when it is contacted, how the network will help them evaluate the effects of the actions they are taking, and how they can interact most effectively with the network. (Class II—Priority Action) (I–79–8).

Establish procedures that will coordinate the dispatching of Federal agency and industry representatives to the scene of a serious hazardous materials emergency, and integrate continuing communications with such representatives, through the planned national hazardous materials emergency response network. (Class II—Priority Action) (I–79–9).

Establish procedures to enable the national hazardous materials emergency response network to make military or civilian observer aircraft, with communications links to onscene emergency response officials, available to local authorities in serious hazardous materials transportation accidents, and to have unauthorized aircraft prohibited from the area. (Class I—Urgent Action) (I–79–10).

Develop procedures for local officials to participate in the evaluation of the services provided by the planned hazardous materials emergency response network and for managers of the network to report to these officials on actions taken in response to the evaluations. (Class II—Priority Action) (I–79–11).

The closing paragraph of the Safety Board's recommendation letter highlights the continued concern about the delay in establishing an effective nationwide response network. It has been over 2 years since the Board made related recommendations to DOT for emergencies involving radioactive materials. Likewise, it has been over a year since the Board recommended that DOT supply the leadership necessary to establish a network for all facets of hazardous materials emergencies. Accidents and hazardous materials emergencies continue to occur. Consequently, the Safety Board hopes that DOT will expedite the development and implementation of an effective emergency response network.

I–79–12 to the Research and Special Programs Administration, U.S. Department of Transportation.—Further as a result of its findings during the above-referenced Crestview accident investigation, the Safety Board on October 2 directed the following recommendation to RSPA:

Expand current research into "new approaches for controlling pressurized liquefied flammable gas releases" from breached tanks on bulk transport vehicles to include control of pressurized liquefied nonflammable ammonia and chlorine gas releases. (Class II—Priority Action) (I–79–12).

Investigation of this accident showed that last April 8, 29 cars, including 26 placarded tank cars containing hazardous materials, of Louisville & Nashville Railroad Company freight train No. 403 derailed while moving around a 4°02' curve between Milligan and Crestview, Fla. Two tank cars of anhydrous ammonia ruptured and rocketed. Twelve other cars containing acetone, methyl alcohol, chlorine, carbolic acid, and anhydrous ammonia ruptured, and their contents either burned or were consumed by fire. Fourteen persons were injured as a result of the release of anhydrous ammonia and other materials or during the evacuation of about 4,500 persons. Property damage was estimated to be $1,258,500.

While the cars were derailing, one tank car containing pressurized liquefied anhydrous ammonia ruptured due to mechanical damage inflicted by other cars. The rupture allowed all the contents of the tank to escape at once, creating a cloud of vapors that reached as far as 650 feet from the wreckage. The tank fragments came to rest 900 feet apart. Seventeen cars carrying anhydrous ammonia, chlorine, acetone, methyl alcohol, carbolic acid, sulfur, carbon tetrachloride, and urea were involved in a fire that broke out immediately after the derailment. About 20 minutes later, a second anhydrous ammonia tank car ruptured violently, due to the heat of the fire, enlarging the existing plume of vapors rising from the site and drifting toward inhabited areas. During wreck-clearing operations, which continued for 9 days after the accident, 10 workers were treated for toxic fume inhalation.

In 1976, following its investigation of the April 29, 1975, accident near Eagle Pass, Texas, in which a Surtigas, S.A., tank-semitrailer overturned, exploded, and caught fire, the Safety Board recommended that DOT: Initiate a research program to identify new approaches to reduce the injuries and damages caused by the dangerous behavior of pressurized, liquefied flammable gases released from breached tanks on bulk transport vehicles (I–76–5). The Board notes that RSPA's Materials Transportation Bureau has contracted for research (Contract DOT–RC–82039, September 26, 1978) into "new approaches for controlling pressurized flammable liquefied gas releases" from breached tanks on bulk transport vehicles. The behavior of the anhydrous ammonia and chlorine (nonflammable presurized liquefied gases) released from breached and ruptured tanks at Crestview and other accidents suggests that problems with transporting nonflammable gases may be similar to transportation problems with flammable gases; current research may be relevant to both.

I–79–13 to the Federal Railroad Administration.—A companion safety recommendation, predicated on the Crestview accident, was forwarded, also on October 2, to the FRA. In this letter the Board pointed out that the engineer of train No. 403 had to depend on his memory when he told investigators what actions he took before the derailment. To provide more precise information in case of an accident, enabling railroads to determine better train-handling procedures, the Safety Board recommended on July 31, 1978, that FRA require that certain locomotives be equipped with operating event recorders. The recommendation was made following the Safety Board's investigation of the Louisville & Nashville Railroad Company freight train derailment and puncture of anhydrous ammonia tank cars at Pensacola, Fla., November 9, 1977.

Investigation of the Crestview accident disclosed questionable train handling and train makeup practices including speed of the train, type of brake applications, tank cars without baffles, large trailing tonnage, inadequate locomotive power, and the intermittent shutdown of the locomotive's fifth unit. These factors adversely affected coupler forces between the cars as the train negotiated the numerous grades and curves through the derailment area. Resulting slack action creating large lateral forces between the 36th and 37th cars that caused the outside rail to overturn and derail the train while it moved through a 4°02' curve.

Train No. 403 had 114 cars and was 7,550 feet long. The Board notes that the ability of long, heavy tonnage trains to negotiate varying curves and grades has been examined within the industry's track train dynamics (TTD) program. Since maximum forces acting upon car couplers are affected by train tonnage, speed, and grades, the TTD program has developed certain recommendations concerning these variables. On July 31, 1978, as a result of the Pensacola accident, the Safety Board recommended that FRA require railroads to limit the length and tonnage of trains carrying hazardous materials to train makeup principles developed under the TTD programs. FRA has not taken any action on this recommendation.

Further, the Board noted that only the conductor had a document that showed the names of commodities in each tank car and that L&N had not followed its own procedures that require crewmembers to be knowledgeable of the train consist and to have the train consist information immediately available for firefighters. The availability of train consist information with pertinent emergency information is

imperative for providing emergency forces with prompt information. In its report on the Pensacola accident, the Safety Board also recommended that FRA require railroads to provide pertinent hazardous materials information on waybills that would be available to public emergency personnel. FRA has not yet taken any action on this recommendation.

The Safety Board has previously discussed the wreck-clearing safety problem and on August 30, 1978, requested the Association of American Railroads to: Complete development and documentation of safety procedures for identifying and assessing hazardous materials dangers, and for coordinating wreckage-clearing operations with local public safety officials (I–78–14). As yet, these safety measures have not been developed.

In view of these findings, the Safety Board on October 2 reiterated these recommendations made to FRA on July 31, 1978, as a result of the Pensacola accident:

Promulgate regulations to require locomotives used in trains on main tracks outside of yard limits to be equipped with operating event recorders. (R–78–44).

Promulgate regulations to require railroads to limit the length and tonnage of trains carrying hazardous materials to train makeup principles developed under the track train dynamics program. (R–78–46).

Promulgate regulations to require railroads to provide pertinent hazardous materials information on waybills and to make this information available to public emergency personnel. (R–78–47).

Each of these three recommendations is designated "Class II—Priority Action." As a result of investigation of the Crestview accident, the Safety Board now recommends that FRA:

Analyze risks to wreck-clearing personnel during wreck-clearing operations involving hazardous materials releases to determine needed health safeguards, operating precautions, and medical treatment capabilities for hazardous materials exposures, and establish appropriate safety requirements based on its findings. (Class II—Priority Action) (I–79–13).

R–79–64 to the Louisville & Nashville Railroad Company.—In still another safety recommendation letter stemming from the Crestview accident and forwarded on October 2, the Safety Board recommended that L&N:

Establish train makeup and operation guidelines according to track train dynamics principles for trains carrying hazardous materials and operate the trains accordingly. (Class II—Priority Action) (R–79–64)

Responses to Safety Recommendations

Aviation: A–79–55.—The Federal Aviation Administration on October 2 responded to a recommendation issued following investigation of the crash of a Twin Cessna near McGhee-Tyson Airport, Knoxville, Tenn., January 4, 1978. The recommendation asked FAA to revise Air Traffic Control Handbook 7110.65 so that a VFR aircraft issued an altitude assignment or instruction is provided terrain protection comparable to that received by an IFR aircraft, providing sufficient latitude in the handbook so that the controller may approve a request of a pilot who wishes to exercise the provisions of and exceptions to 14 CFR 91.79. (See 44 FR 40741, July 12, 1979.)

In response, FRA reports submitting a change to Handbook 7110.65, paragraph 1284, effective January 1, 1980. This change will require terrain protection for VFR aircraft receiving Stage III service comparable with that given to IFR aircraft.

Marine: M–79–1 through 7.—Letter of September 11 from the U.S. Coast Guard responds to recommendations developed following investigation of the capsizing of the charter fishing boat DIXIE LEE II on June 6, 1977, during a sudden, severe thunderstorm in Chesapeake Bay near Norfolk, Va. (See 44 FR 10647, February 2, 1979.)

Coast Guard states in answer to recommendation M–79–1, which called for revision of stability requirements to include the effects of off-center passenger weight in the wind heeling criteria for small passenger vessels, that the present stability criteria in 46 CFR 179.10 have a long history of application. The current requirement is to apply wind heel and passenger heel separately, and it was intended that each criterion be a simple, easy to apply comparison with a minimum chance for error. Coast Guard notes that if boats meeting the criteria are operated with a reasonable degree of seamanship, the boats can be expected to return safely. The DIXIE LEE II encountered tornado scale winds which gusted up to 85 knots, and capsizing was not surprising as the operator chose not to or could not turn the vessel to a more favorable position. According to Coast Guard, an attempt to design small vessels to survive such circumstances would not be practical operationally or for cost. Current stability criteria has had an overall good history, and Coast Guard does not believe that the recommended action would add to the material safety of small passenger vessels.

With reference to M–79–2, which recommended that Coast Guard state on the Certificate of Inspection for small passenger vessels the approximate windspeed equivalent used to certify the vessel's stability, Coast Guard notes that the stability criteria of 46 CFR 179.10 provides one measure of seaworthiness of a vessel. Small boat safety depends on hull shape, loading operator actions, and prevailing sea and wind conditions, and the effects of hull shape and loading on stability can be calculated. Operator actions and sea conditions cannot be so accurately predicted. Coast Guard says that an accurate simulation of a vessel's response to environmental forces is difficult to prepare in a form useable to the operator; there is no simple relationship between windspeed and sea state. The burden for the safe operation of a vessel falls on the operator as stability analysis for small boats is inherently imprecise; publishing only windspeed might lead an operator to take unnecessary chances. Coast Guard considers that it must rely on the skill of the licensed operator to judge the variables in making a safe voyage, and does not believe that this recommendation will add to the material safety of small passenger vessels.

Recommendation M–79–3 asked Coast Guard to revise the Miscellaneous Operating Requirements in 46 CFR 185.20 to include a requirement for operators of small passenger vessels to check the National Weather Service (NWS) forecast before getting underway and periodically while underway and to proceed to the nearest harbor of safe refuge when a watch or warning is issued for windspeeds that exceed the windspeed equivalent used to certify the vessel's stability. In response, Coast Guard notes that advance knowledge of severe weather is vital to the small boat operator's ability to navigate safely. Experience gained under the supervision of a licensed operator provides a candidate for a license with a knowledge of the consequences of weather phenomena on a small passenger vessel. Under Coast Guard's licensing system, to the extent that it is successful, only prudent and competent candidates are licensed. One responsibility of an operator is to assess weather conditions prior to a voyage and during the voyage. Coast Guard disagrees that voyage termination at a specific windspeed will reasonably increase vessel or passenger safety. Winds can vary greatly from predicted intensities. The operator alone must judge the best course of action in all situations by considering all factors of vessel characteristics, load, weather and sea conditions. Coast Guard further states that issuance of regulations which parallel normal operating procedures of licensed operators based on a single

aberrant storm will not increase safety on small passenger vessels.

With respect to M–79–4, which recommended that Coast Guard require operators of small passenger vessels to post an Operating Safety Checklist in a place conspicuous to crew and passengers which states the pertinent requirements of 46 CFR 185.20, Coast Guard states that operational judgments on small passenger vessels are the responsibility of the operator and his crew. Coast Guard believes that public posting of operating requirements found in 46 CFR 185.20 suggests that the Safety Board intends that passengers are to be watchdog enforcement personnel, and such action would jeopardize the authority of an operator; 46 CFR 185.20–1 places the responsibility for safe vessel operation on the person-in-charge of the vessel and gives latitude for the use of experienced judgment. Coast Guard does not believe that an operating safety checklist will increase safety aboard small passenger vessels.

Regarding M–79–5, which recommended requiring small passenger vessels that are certified to operate on partially protected waters to have a weather monitor radio receiver at the operator station which can be automatically activated by the Warning Alarm Device of NWS, Coast Guard can find no authority for requiring automatically activated weather monitor radios to be carried on all small passenger vessels. Any such requirement would have to come through action by the Federal Communications Commission. Coast Guard says, as pointed out in response to M–79–3, the operator is responsible for continuous evaluation of sea and weather conditions, using all available means. Most VHF marine radios have a pre-tuned circuit available which, at the push of a button, will provide current NSW information. In the DIXIE LEE II case, an alarm would have to have been independent of the volume, according to Coast Guard. If not integral with the receiver, the alarm is subject to the volume control and would be inoperative if the volume is set below a given threshold. Coast Guard does not believe this requirement is practical for the reasons discussed.

Recommendation M–79–6 called on Coast Guard to revise its procedure for broadcasting severe weather statements to provide more requent, timely, and complete weather information. Coast Guard notes that Commandant Instruction M2000.3 Chapter 14 requires meteorological "Safety Broadcasts" with a preliminary call on 2182 KHz (MF) or Channel 16 (VHF-FM) with the text broadcast on 2670 KHz (MF) or Channel 22 (VHF-FM) respectively. This is also in compliance with FCC regulations Parts 83.249 and 250. These references specify that meteological warnings should be broadcast on a working frequency after a preliminary call on one or more international distress frequencies. Coast Guard notes that NWS has the primary responsibility to disseminate weather information. This responsibility is carried out by National Oceanic and Atmospheric Administration (NOAA) weather radio in coastal areas as a continuous VHF-FM weather broadcast. Coast Guard supplements NOAA weather radio in limited inadequate coverage areas. Broadcast of weather already degrades public distress coverage and must be limited. Weather information is available on commercial broadcast stations. No changes in Coast Guard weather dissemination policy are considered warranted.

Recommendation M–79–7 asked Coast Guard to require tethering of lifeboats and bouyant apparatus to keep such devices from drifting from vessels which are partially submerged, are capsized but remain afloat, or sink in shallow water. Coast Guard's response states that a weak link tethering line would have to be strong enough to resist wind and wave forces but weak enough to break at less than the bouyant force of the float or apparatus tethered so as to not be dragged under. Coast Guard will study the practical aspects of the problem further, and a response based on a technical evaluation will be made by December 1, 1979.

Note.—Copies of recommendation letters issued by the Safety Board, as well as responses to the recommendations, are available free of charge. All requests for copies must be in writing, identified by recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1907)).)

Margaret L. Fisher,

Federal Register Liaison Officer.

October 5, 1979.

[FR Doc. 79–31468 Filed 10–10–79; 8:45 am]

BILLING CODE 4910–58–M

PRESIDENT'S COMMISSION ON THE ACCIDENT AT THREE MILE ISLAND

Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92463), announcement is made of the following meetings:

Name: President's Commission on the Accident at Three Mile Island.

Place: Washington, D.C., 2100 M Street, N.W.

Time: Monday, October 15, 9 a.m.–6 p.m.; Tuesday, October 16, 9 a.m.–6 p.m.; Saturday, October 20, 9 a.m.–6 p.m.; Sunday, October 21, 9 a.m.–6 p.m.; and Monday, October 22, 9 a.m.–6 p.m.

Proposed Agenda: I. Discussion of findings and recommendations and II. Discussion of staff reports.

The Commission was established by Executive Order 12130 on April 11, 1979, to conduct a comprehensive study and investigation of the accident involving the nuclear power facility on Three Mile Island in Pennsylvania.

On October 15–16 and October 20–22, 1979, the Commission will meet in closed session to discuss its findings and recommendations, and staff reports.

These meetings will be held pending notification and approval by the GSA Administrator.

Inquiries should be addressed to Barbara Jorgenson (202/653–7677).

October 9, 1979.

Barbara Jorgenson,

Public Information Director.

[FR Doc. 79–31581 Filed 10–10–79; 8:45 am]

BILLING CODE 6820–AJ–M

SMALL BUSINESS CONFERENCE COMMISSION

White House Conference on Small Business

In accordance with Section 10(a) of the Federal Advisory Committee Act (5 U.S.C. appendix I), announcement is made of the following national commission meeting.

Small Business Conference Commission.—November 5, 1979—2:30 p.m.—4:00 p.m., Room 2010, New Executive Office Building, 726 Jackson Place, Northwest, Washington, D.C.

Open Meeting

Purpose: The Small Business Conference Commission was established by Executive Order to provide advice with respect to the holding of a White House Conference on Small Business in early 1980. In pursuit of the goal of a strong small business community, the Commission shall recommend issues to be considered by the Conference including those related to fostering of small business and the expansion of opportunities for entry into small business enterprises. The Commission shall make recommendations for legislative and policy changes primarily based upon the

findings of the White House Conference on Small Business.

Agenda: The Commission shall address the above issues and review the progress of research task forces in addition to other Commission business.

Contact: Heidi Hanson, Executive Assistant to the Director, White House Conference on Small Business, 730 Jackson Place. N.W., Washington, D.C. 20006.

Please write before November 5, 1979, if you wish to attend this meeting. Attendance by the public will be limited to space available.

Summaries of the transcript of the meeting will be made available to the public upon request at cost.

Dated: October 4, 1979.

K Drew,

Deputy Advocate for Advisory Councils, U.S. Small Business Administration.

[FR Doc. 79-31379 Filed 10-10-79; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5247]

Unity Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

On August 8, 1979, a notice was published in the **Federal Register** (44 FR 154), stating that Unity Capital Corporation, located at 3620 30th Street, San Diego, California 92104, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1979), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business August 23, 1979, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09-5247 to Unity Capital Corporation on September 25, 1979.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 3, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-31380 Filed 10-10-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 141—FM Broadcast Interference Related to Airborne ILS, VOR and VHF Communications Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 141 on FM Broadcast Interference Related to Airborne ILS, VOR and VHF Communications Equipment to be held on November 7-8, 1979 in RTCA Conference Room 261, 1717 H Street, NW., Washington, D.C. commencing at 9:00 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of First Meeting held July 10-11, 1979; (3) Report on Status of Working Group Activities; (4) Review of Draft Committee Report; (5) Assignment of Tasks; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202)296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on October 3, 1979.

Karl F. Bierach,

Designated Officer.

[FR Doc. 79-31490 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 142—Air Traffic Control Radar Beacon, System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 142-Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment to be held October 23-24, 1979, in RTCA Conference Room 261, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of First Meeting held July 17-18, 1979; (3) Review and Discussion of Draft DABS U.S. National Aviation Standard; (4) Presentation and Discussion of Papers Developed by Working Groups; (5) Assignment of Tasks, and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717, H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on September 24, 1979.

Karl F. Bierach,

Designated Officer.

[FR Doc. 79-31489 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

[Docket No. 79-6W]

Shell Pipe Line Corp.; Grant of Waiver

By a petition dated August 17, 1979, the Shell Pipe Line Corporation petitioned for a waiver of compliance with § 195.424 of 49 CFR Part 195, Transportation of Liquids by Pipeline, in order that a portion of its Capline pipeline system can be lowered without reducing the operating pressure. The proposed site of lowering is a stream crossing in the vicinity of Batesville, Mississippi, approximately three miles upstream from the Sardis, Mississippi, pump station and 35 miles downstream from the Oakland, Mississippi, pump station.

Section 195.424 of Part 195, titled Pipe movement, provides in part that no carrier may move any line pipe unless the pressure in the line section involved is reduced to not more than 50 percent of the maximum operating pressure.

Shell Pipe Line Corporation's petition states that nearby Corps of Engineers project work had caused the stream bed to erode to a lower elevation than its original natural state, thereby making necessary the proposed lowering. Shell advises that the hydraulic gradient will cause pressure in the pipeline to be approximately 95 psi at the work site when the upstream Oakland pump station operates at a normal 555 psi and

that reducing the pressure at the Oakland station to one-half of MOP as required by § 195.424 will reduce the pressure at the work site to 60 psi. Shell estimates that the pipeline would have to operate at these reduced pressures for 120 hours in order to complete the work. Shell states that operating the pipeline at reduced pressure for this length of time will result in a loss of throughput of 2,280,000 barrels and would significantly reduce the petroleum supply to the Mid-Continent and Great Lakes area.

In response to this petition for waiver, the Materials Transportation Bureau (MTB) considers a waiver appropriate for the following reasons:

1. Reduction in pipeline pumping rate by an amount necessary to reduce pressure to comply with § 195.424 would cause a loss of throughput greater than two million barrels, which would not serve the public interest in providing energy supplies.

2. Shell has proposed to establish site communication network between the work site and the nearby pump stations. These manned radio contacts would be an effective means to instruct the pipeline control center to stop pipeline operation in case of an emergency and would provide a faster shutdown than would compliance with § 195.424.

3. The pressure at the work site is normally very low because the site is just upstream from a pump station.

In consideration of the foregoing, the MTB believes that the pipeline movement outlined by the Shell Pipe Line Corporation will not lessen public safety, and compliance with § 195.424(b) is not essential. Therefore, effective immediately, the Shell Pipe Line Corporation is granted a waiver from compliance with § 195.424 of Title 49, Code of Federal Regulations, for one specific pipeline movement maintenance job, lowering the Capline pipe at the stream crossing, for which the waiver was requested, provided the Shell Pipe Line Corporation establish a site communication network between the work site and the nearby pump stations.

(18 U.S.C. 834; 49 U.S.C. 1655; 49 CFR 1.53(b), App. A of Part 1, and App. A of Part 106)

Issued in Washington, D.C., on October 4, 1979.

Melvin A. Judah,

Acting Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 79-31344 Filed 10-10-79; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[No. 104-1]

Organization and Functions of the Office of the Assistant Secretary (Economic Policy)

Dated: October 1, 1979.

By virtue of the authority vested in me as Secretary of the Treasury, including authority vested in me by Reorganization Plan No. 26 of 1950, it is ordered:

1. The following are the functions of the *Office of the Assistant Secretary (Economic Policy):*

a. Develops and maintains an economic research capability for the Treasury that is consistent with the Department's policy responsibilities.

b. Provides the Secretary, the Deputy Secretary, and the Under Secretary (Monetary Affairs) with substantive advice and recommendations on the economic aspects of domestic policy actions that fall within their sphere of responsibility or interests.

c. Conducts research in those areas of economic activity necessary to provide a continuous appraisal of the current state and future course of the U.S. economy.

d. Analyzes and evaluates, in depth, the economic consequences of developments, and of alternative policy and legislative proposals, in a wide range of economic areas.

2. *Office of the Deputy Assistant Secretary (Economic Policy):*

a. Serves as a full deputy to the Assistant Secretary in the conduct of the above functions and acts for the Assistant Secretary in that official's absence.

b. Directs and closely supervises research efforts conducted by the Office of Financial Analysis and the Office of Special Studies.

c. Plans, monitors, and evaluates research efforts, including establishing and achieving time and quality targets.

d. Advises on the policy requirements for research, and on the policy implications of research results. Specific functions of subordinate offices are:

(1) *Office of Financial Analysis:* Develops an overall appraisal of the current state of the economy and forecasts of Gross National Product (GNP). Provides most of the input for the Secretary's economic briefing book. Conducts briefings of Treasury officials, and participates in interagency groups working on these matters.

(2) *Office of Special Studies:* Conducts in-depth economic evaluations and analyses of developments and issues that affect specific areas of the United States economy, i.e., labor, prices, social security, fiscal policy, regulatory reform and energy. The results are used for: (a) formulating Treasury positions on legislative or administrative proposals; (b) continually appraising current developments in each area; and (c) providing sector inputs to macroeconomic forecasts. Analyzes the effects on the U.S. economy (output, prices, Federal budget, and financial markets) of energy development and programs. Monitors and assesses the economic effects of changing energy technologies. Evaluates the effects of Government programs in developing new technologies, or in modifying the use of older technologies.

3. The Assistant Secretary (Economic Policy) is authorized to reassign functions, programs and associated positions and resources among the subordinate offices established above, as deemed necessary, consistent with existing administrative rules, regulations and procedures.

4. Treasury Order No. 104-1, dated March 30, 1979, is hereby superseded.

William Miller,

Secretary.

[FR Doc. 79-31360 Filed 10-10-79; 8:45 am]

BILLING CODE 4810-25-M

[No. 108-1]

Organization and Responsibilities of the Office of the Assistant Secretary (International Affairs)

Dated: October 1, 1979.

By virtue of the authority vested in the Secretary of the Treasury, including the authority vested in me by Reorganization Plan No. 26 of 1950, it is ordered that:

1. The Assistant Secretary (International Affairs) is the principal advisor to the Secretary of the Treasury and the Under Secretary (Monetary Affairs) in exercising policy direction and control over Treasury positions in areas dealing with international financial, economic, monetary, trade, and commercial matters as well as energy policies and programs.

2. Within the Office of the Assistant Secretary (International Affairs) (OASIA), there are five Deputy Assistant Secretaries: Developing Nations, International Monetary Affairs, Trade and Investment Policy, Commodities and Natural Resources, and International Economic Analysis. The functions and responsibilities of the Deputy Assistant Secretaries are defined by the Assistant Secretary and the Deputy Assistant Secretaries serve under the policy guidance of the

Assistant Secretary. Each Deputy Assistant Secretary supervises a number of offices managed by Directors. The functions and responsibilities of the Deputy Assistant Secretaries shall include, but not be limited to, the following:

a. *Deputy Assistant Secretary (Developing Nations).*—(1) The Office serves as the principal policy advisor to the Assistant Secretary in formulating and implementing Treasury positions on U.S. economic and financial programs with respect to developing nations. The Office helps initiate, review, and oversee U.S. policies toward the less developed nations on such issues as debt owed to private and public sector entities, foreign assistance, food, population and financial policies, and evaluate the development and financial impact on the less developed nations of U.S. policies on trade, investment and commodities. Staff support is provided to senior Treasury officials in the formulation of U.S. policies on developed/developing nations relations generally, especially in connection with multilateral fora such as the UN General Assembly, UN Conference on Trade and Development (UNCTAD) and the IBRD/IMF Development Committee and its subordinate bodies. The Office maintains representatives in key developing nations who are responsible for analyzing local economic conditions and recommending appropriate policies. It also maintains liaison with and reviews policies of other USG Agencies on development issues.

(2) The Office provides comprehensive analyses and forecasts of the economic, financial and political situation in developing countries for use in formulating Treasury policy on financial assistance, debt rescheduling, and other matters. The Office collects and maintains data on all LDCs including the OPEC countries, giving particular attention to balance of payments, official and private capital flows, debt and IMF credit. The Office also has the responsibility for providing support to the Secretary of the Treasury as a member of the joint economic commissions which have been established with individual developing countries, other than Saudi Arabia.

(3) The Office formulates, reviews, and oversees Treasury positions on policies, operations, and activities of the international lending institutions and the activities of the International Monetary Fund related to developing nations. The Office maintains liaison with and reviews policies of international, United States, and interagency development finance and policy formulating bodies, such as the Development Assistance Committee of the OECD and the Development Loan Staff Committee. The Office administers the Secretariat of the National Advisory Council on International Monetary and Financial Policies (NAC). The NAC operates under the authority of Executive Order No. 11269.

b. *Deputy Assistant Secretary (International Monetary Affairs).*—(1) The Office serves as the principal policy advisor to the Assistant Secretary in formulating and implementing Treasury policies concerned with (a) the maintenance and operation of a smoothly functioning international monetary system, including the role of the private money and capital markets; (b) coordination of economic policy among industrial nations; (c) the development and conduct of U.S. financial relations with the market economy industrial nations; (d) monetary relationships with the U.S. Government sought by other nations; (e) foreign exchange operations and management of U.S. reserve assets; (f) international borrowing, portfolio investment and insurance. In carrying out these functions the Office provides support for U.S. participation in multilateral financial institutions, principally the International Monetary Fund and the OECD, as well as in other fora related to its functional areas of responsibility.

(2) The Office provides analyses and forecasts of economic developments in and policies of the major industrial nations, both domestic and external. It maintains Treasury representatives in key industrial countries and in the OECD. It also analyzes and forecasts regional and global payments patterns and their implications for the functioning of the monetary system.

(3) With guidance furnished by senior Treasury officials, direction is given to the Federal Reserve Bank of New York concerning ESF operations and liaison is maintained to assure that foreign operations of the Federal Reserve System are coordinated. In this regard, foreign exchange markets are intensively monitored. Continuing oversight of gold markets and related developments is also maintained.

(4) The Office provides analyses and assembles information relevant to international banking, portfolio investment and insurance matters and the international practices of U.S. and foreign banks, their regulatory authorities and the impact of their activities on the operation of the international monetary system.

c. *Deputy Assistant Secretary (Trade and Investment Policy).*—(1) The Office serves as the principal policy advisor to the Assistant Secretary in the areas of trade policy, trade with nonmarket economy countries, and international investment.

(2) The Office formulates and implements Treasury positions on: (a) U.S. trade and commercial policy in general; (b) multilateral and bilateral trade negotiations; (c) trade finance matters; (d) U.S. military sales abroad; (e) U.S. economic relationships with the U.S.S.R., Eastern Europe, China, and such other nonmarket economy countries as may be designated, including support for operations of the East-West Foreign Trade Board and its Working Group; (f) programs in relation to the Secretary's responsibilities for trade relations with other countries; (g) direct investment issues, including matters pertaining to multinational corporations, expropriation and the Overseas Private Investment Corporation; and (h) serves as Secretariat for the interagency Committee on Foreign Investment in the United States established by Executive Order No. 11858.

d. *Deputy Assistant Secretary (Commodities and Natural Resources).*—(1) The Office serves as the principal policy advisor to the Assistant Secretary in formulating and implementing Treasury policy and positions on questions relating to (a) international energy policy, with special emphasis on the economic, financial and investment aspects of such policy; (b) other basic natural resources, particularly non-fuel minerals and agricultural commodities; (c) U.S. commodity policy; and (d) oceans policy matters, including "Law of the Sea" negotiations.

(2) In carrying out these functions, the Office (a) assembles information and provides analyses relevant to the formulation of commodity and international energy policies; (b) advises the Assistant Secretary and senior Treasury officials on economic and financial implications of natural resource and international energy issues which may be considered at interagency or international levels; (c) develops and implements Treasury policy with respect to natural resource issues arising in international fora, such as the International Energy Agency, the United Nations Conference on Trade and Development, the Development Committee of the International Monetary Fund and the International Bank for Reconstruction and Development (IMF/IBRD) and various committees of the Organization for

Economic Cooperation and Development (OECD).

e. *Deputy Assitant Secretary (International Economic Analysis.*—(1) Provides macroeconomic analyses that relate to the formulation of internationl economic policies. This includes analyses of the long-term effects of policies, both U.S. and foreign, on foreign trade, services and capital flows.

(2) Prepares analyses and reports on current developments and near-term prospects for the U.S. current-account balance and for capital flows, to be utilized in forecasts of the U.S. economy and in formulation of U.S. international monetary policy.

(3) Develops analytic techniques for anticipating problems and evaluating possible solutions, i.e., industries that are likely to need trade adjustment assistance and possible causes of monetary disturbances.

(4) Develops analytic techniques for the study of current international economic issues, such as technological transfer and U.S. financing of Eastern Block requirements.

(5) Compiles and prepares for publication statistics on U.S. capital flows as required by law or traditional practice and on acutal indebtedness to the U.S. Government, as well as potential liabilities under guarantee and insurance programs.

(6) Regularly uses commercially available and in-house macroeconometric models as tools to analyze the above; for example, the internationl transmission of growth and inflation, international liquidity issues, determinants of international trade and capital flows, and exchange rate changes. Provides data processing, programming, and econometric modeling assistance to other offices in OASIA.

3. Within the Office of the Assistant Secretary (International Affairs), there also are the Office of the Deputy to the Assistant Secretary (Saudi Arabian Affairs), the Deputy to the Assistant Secretary and the Secretary of the International Monetary Group, the Office of the Inspector General, the Administrative Staff, and the OASIA Secretariat. The functions and responsibilities of these offices, which are defined by the Assistant Secretary, are:

a. *The Office of the Deputy to the Assistant Secretary (Saudi Arabian Affairs)* is composed of an Office of Saudi Arabian Affairs in Washington and an Office of the U.S. Representation to the Joint Commission in Riyadh, Saudi Arabia, and serves as the principal policy advisor to the Assistant Secretary in formulating and implementing the projects and programs undertaken by the U.S.-Saudi Arabian Joint Commission on Economic Cooperation established on June 8, 1974, and chaired by the Secretary of the Treasury. The Office is also responsible for the development of Treasury policy with respect to U.S. economic relations with Saudi Arabia.

b. *The Deputy to the Assistant Secretary and Secretary of the International Monetary Group* serves as a policy advisor to the Assistant Secretary in the formulation and implementation of policies relating to the international monetary system. In this connection the incumbent serves as Executive Secretary of the International Monetary Group, an interagency body chaired by the Under Secretary for Monetary Affairs, which consults with the Under Secretary on substantive matters and on negotiating positions; in this capacity, he or she provides documentation to the Group for both briefing and current updating purposes.

c. *The Office of the Inspector General* provides the Assistant Secretary and other senior level Treasury officials with a reliable and independent internal appraisal of selected international financial activities and programs for which OASIA has primary operational responsibility. The Inspector General also performs such reviews as requested. Major areas of concern include the efficiency and economy of the use of U.S. investments in the International Monetary Fund, the International Bank for Reconstruction and Development, and regional multilateral banks, as well as procedures governing the use of the ESF.

d. *The Administrative Staff and OASIA Secretariat* perform administrative and other support operations for the Assistant Secretary.

4. With the exception of the Office of the Inspector General, the Assistant Secretary may reassign programs, functions, and associated positions and resources among the subordinate offices established above as deemed necessary, consistent with the policies and procedures governing the ESF.

5. This Order supersedes Treasury Order No. 202 (Rev. 3), dated August 25, 1977.

G. William Miller,

Secretary.

[FR Doc. 79-31361 Filed 10-10-79; 8:45 am]

BILLING CODE 4810-25-M

[Supplement to Department Circular, Public Debt Series—No. 22-79]

Series F-1983 Notes; Interest Rate

October 5, 1979.

The Secretary announced on October 4, 1979, that the interest rate on the notes designated Series F-1983, described in Department Circular—Public Debt Series—No. 22-79, as amended, dated September 19, 1979, will be 9¾ percent. Interest on the notes will be payable at the rate of 9¾ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 79-31436 Filed 10-10-79; 8:45 am]

BILLING CODE 4810-40-M

Treasury Small Business Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-263, notice is hereby given that a meeting of the Treasury Small Business Advisory Committee will be held on October 29 and 30, 1979, at the Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C., and the Internal Revenue Service Building, 1111 Constitution Avenue, N.W., Washington, D.C.

On Monday, October 29, the Committee will meet from 9:30 a.m. to 12:00 noon in room 4121 of the Main Treasury Building. On October 29, from 1:30 p.m. to 5:30 p.m., the Subcommittee on Capital Formation and the Subcommittee on Tax Policy will meet jointly in room 4121 of the Main Treasury Building and the Subcommittee on Tax Administration will meet in Room 3313 of the Internal Revenue Service Building. The Committee as a whole will reconvene in room 4121 of the Main Treasury Building on Tuesday, October 30, at 9:30 a.m. and will meet until approximately 12:30 p.m.

The Committee was formed to provide a means of communication between the small business community and Treasury officials on numerous economic issues, including capital formation, tax policy, tax administration, and governmental regulations. The Capital Formation Subcommittee and the Tax Policy Subcommittee will focus their attention on topics including investment

incentives and capital cost recovery proposals, estimated tax payments, fringe benefits, employee-independent contractor issues and other pending matters of tax legislation; and the Tax Administration Subcommittee agenda will include an update on IRS small business workshops, further discussion of ERISA issues, and an analysis of LIFO issues.

The meeting will be open to the public. A limited number of seats will be available on a first-come, first-serve basis. In order to facilitate admittance, persons interested in attending are asked to call 566–3887 so that confirmation of space and access procedures can be provided.

Interested persons may file a written statement with the Committee before, during and after the meeting. The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting. Persons interested in making oral statements are asked to call 566–3887 before 5:00 p.m. on October 26.

Minutes of the meeting will be available on request from The Treasury Small Business Advisory Committee thirty days after the meeting.

Inquiries may be directed to Paul L. Lee, Executive Assistant to the Deputy Secretary, Department of the Treasury, Main Treasury Building, Room 3325, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220, telephone (202) 566–3887.

Dated: October 4, 1979.

Robert Carswell,

Deputy Secretary.

[FR Doc. 79–31359 Filed 10–10–79; 8:45 am]

BILLING CODE 4810–25–M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperatives; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

October 5, 1979.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Friend/Amigo, Inc. Principal Mailing Address (Street No., City, State, and Zip Code:) Apdo, Postal No. 329, Nogales, Sonoro, Mexico. Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Apdo. Postal No. 329, Nogales, Sonora, Mexico. Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): A. Felix, Apdo. Postal No. 329, Nogales, Sonora, Mexico.

(2) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Rainbow Farm Lines, Inc. P.O. Box 14006–A, Orlando, FL 32857. Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 2200 Forsyth Rd., Orlando, FL 32807. Person To Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Stoney Mullins, P.O. Box 14006–A, Orlando, FL 32857.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–31338 Filed 10–10–79; 8:45 am]

BILLING CODE 7035–01–M

Amendment of Released Rates Application No. MC–1481

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. MC–1481.

SUMMARY: The National Motor Freight Traffic Association wants to amend Released Rates Order No. MC–607 which applies on glassware, NOI. It now authorizes the establishment and maintenance of ratings in the National Motor Freight Classification which are dependent on released value. Applicant wants the same authority for class and exception ratings in member carrier tariffs which publish exceptions to the Classification and specific and/or general commidity rates, including commodity column rates, in members' tariffs which publish commodity rates taking precedence over the Classification.

ADDRESS: Anyone seeking copies of this application should contact: Mr. William W. Pugh, NMFTA, 1616 P St., N.W. Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Max Pieper, Unit Supervisor, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423 Telephone (202) 275–7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly Section 20(11) of the Interstate Commerce Act, for and on behalf of carriers parties to the National Motor Freight Classification.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–31340 Filed 10–10–79; 8:45 am]

BILLING CODE 7035–01–M

[Notices 179, 180]

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 200 (Sub-390TA), filed August 7, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: H. Lynn Davis (same as applicant). *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses as described in Sections A, B, & C of Appendix I to the report in Descriptions in motor carrier certificates 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk),* from the facilities of John Morrell & Co. at or near Esterville and Sioux City, IA; Sioux Falls, SD; and Worthington, MN to points in the states of CO, CT, IA, IL, IN, KS, KY, MA, MD, MI, MO, NE, NJ, NY, OH, OK, PA, RI, TX, VA, WV, and DC, restricted to the transportation of traffic originating at the origin facilities and destined to the destination states, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Vernon V. Coble, DS, I.C.C., 600 Federal Bldg., 911 Walnut, Kansas City, MO 64106.

MC 200 (Sub-391TA), filed August 7, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: H. Lynn Davis (same as applicant). *Aluminum pigments (except in bulk),* between Lansford, PA, on the one hand, and, on the other, Decatur, IN and Detroit, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Silberline Manufacturing Co., Inc., Lansford, PA. Send protests to: Vernon V. Coble, DS, I.C.C. 600 Federal Bldg., 911 Walnut, Kansas City, MO 64106.

MC 200 (Sub-392TA), filed August 9, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: H. Lynn Davis (same as applicant). *Foodstuffs; cleaning, scouring or washing compounds; methanol, solidified; paper articles; plastic articles; scourers, with or without soap; toothpicks; chef hats; straws, drinking or stirring,* from Dorsey, MD to Houston, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Sexton & Company, 222 South Riverside Plaza, Chicago, IL 60606. Send protests to: Vernon V. Coble, DS, I.C.C., 600 Federal Bldg., 911 Walnut, Kansas City, MO 64106.

MC 730 (Sub-465TA), filed August 27, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same address as applicant). *Polypropylene Glycol (resins)* in bulk, in tank vehicles, from Compton & Azusa, CA to Monticello, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chemetics Systems, Inc., 2006 Gladwick Street, Compton, CA 90220. Send Protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 730 (Sub-466 TA), filed August 28, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge (same address as applicant). *Petroleum Oil,* in bulk, in tank vehicles, from Santa Fe Springs, CA to Monticello, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nelville Chemical Co., 1800 E. Imperial Hwy, Santa Fe Springs, CA 90670. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 730 (Sub-467TA), filed February 23, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: F. C. Munson (Same as applicant). *Gasoline & Diesel Fuel,* in bulk, in tank vehicles from Bakersfield, CA to Clark County, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Saveway Super Service Stations, Inc., 2424 S. Highland Dr., Las Vegas, NV 89102, Phillips Petroleum Company, 7800 East Dorado Place, Englewood, CO 80111. Send protests to: A. J. Rodriguez, DS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 2860 (Sub-183TA), filed August 28, 1979. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: W. Randall Tye and John C. Bach, 1400 Candler Building, Atlanta, GA 30303. *Insulation materials and products.* From Newark, OH to points in TX. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 2860 (Sub-184TA), filed August 28, 1979. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: W. Randall Tye and John C. Bach, 1400 Candler Building, Atlanta, GA 30303. *Insulation materials and products.* From Newark and Columbus, OH to points in the US in and East of ND, SD, NE, KS, OK, and TX, for 180 days. An underlying ETA seeks 90 days' authority. Supporting shipper(s): Owens Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 4941 (Sub-68TA), filed August 16, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello St., Brockton, MA 02403. Representative: Mr. Russell S. Callahan (same address as applicant). *Prefabricated metal building products,* from the facilities of H. H. Robertson Company at (a) Ambridge and Zelienople, PA to points in IL, IN, ME, MD, MI, NJ, NY, NC, OH, SC, VT, VA and WV; (b) from Batavia, OH and Conversville, IN to points in CT, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA and WV; (c) from Ambridge and Zelienople, PA, Batavia, OH and Connersville, IN on the one hand, and, on the other to the ports of entry on the international boundary line between the United States and Canada located at or near Rouses Point, NY, Highgate Springs, VT and Calais, ME for 180 days. Supporting shipper(s): H. H. Robertson Company, 400 Holiday Drive, P.O. Box 2793, Pittsburgh, PA 15230. Send protests to: John B. Thomas, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 5470 (Sub-199TA), filed August 6, 1979. Applicant: TAJON, INC., R.D. #5, P.O. Box 146, Mercer, PA 16137. Representative: Mary Chutz Eshenbaugh (same address as above). *Pitch,* in dump vehicles, from Cleveland, OH to Pell City, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Riverside Clay Company, Box 544, Pell City, AL 35125. Send protests to: J. J. England, D/S, I.C.C., 2111 Federal Building, Pittsburgh, PA 15222.

MC 5470 (Sub-200TA), filed August 10, 1979. Applicant: TAJON, INC., R.D. #5, P.O. Box 146, Mercer, PA 16137. Representative: Mary Chutz Eshenbaugh (same address as above). *Coke,* in dump vehicles from Camden, NJ and its commercial zone to St. Marys, PA and Niagara Falls, NY for 180 days. Supporting shipper(s): Airco Speer Carbon-Graphite, 4861 Packard Road, Niagara Falls, NY 14302. Send protests to: J. J. England, D/S, I.C.C., 2111 Federal Building, Pittsburgh, PA 15222.

MC 29910 (Sub-230TA), filed August 16, 1979. Applicant: ARKANSAS–BEST FREIGHT SYSTEM, INC., 301 S. 11 St., Fort Smith, AR 72902. Representative: Joseph K. Reber, (same address as applicant). *Building materials and*

laminated modular panels, (except in bulk), from Tarboro, NC to points in the U.S. (except AK and HI), for 180 days. Underlying ETA seeks 90 days authority. Applicant intends to tack this authority to other authority held by it. Supporting shipper(s): Formica Corporation, 10155 Reading Road, Cincinnati, OH 45241. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 29910 (Sub-230TA), filed August 17, 1979. Applicant: ARKANSAS–BEST FREIGHT SYSTEM, INC., 301 S. 11 St., Fort Smith, AR 72902. Representative: Joseph K. Reber, (same address as applicant). Common carrier over regular routes. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving facilities of Galion Amco, Inc. at or near Galion, OH as an off route point, for 180 days. Underlying ETA seeks 90 days authority. Applicant intends to tack this authority to other authority held by it, and to interline with other carriers. Supporting shipper(s): Galion Amco, Inc., 515 N. East St., Galion, OH. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 52460 (Sub-257TA), filed August 13, 1979. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th Street, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Paper and paper products and toner,* from the facilities of Ansley Paper Company, Inc., at or near Lawton, Ok, to AL, AR, CO, FL, GA, KS, LA, NC, TN, & TX, for 180 days. Supporting shipper(s): Ansley Paper Company, Inc., P.O. Box 768 #2 Avenue, Lawton, OK 73502. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 59150 (Sub-167TA), filed August 9, 1979. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. *Air conditioning and air filtration equipment,* from the facilities of Gamewell Mechanical, Inc., at or near Salisbury, NC, to Sandy Springs, SC, Shreveport, LA, and Corinth, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gamewell Mechanical, Inc., P.O. Box 1949, Industrial Ave., Salisbury, NC 28144. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 68980 (Sub-21TA), filed August 1, 1979. Applicant: CHECKER EXPRESS CO., 6801 S. 13th St., Milwaukee, WI 53221. Representative: Abraham Diamond, 29 S. LaSalle St., Chicago, IL 60603. *General commodities (except those of unusual value, Classes A & B explosives, commodities in bulk, and those because of size and weight require special equipment), restricted to traffic having a prior or subsequent movement by air.* III. (b). (1) Between St. Louis, MO and Memphis, TN: from St. Louis over Interstate Hwy. 55 to junction Interstate Hwy. 240, then over Interstate Hwy. 240 to Memphis, TN and return over the same route serving no intermediate points; (2) Between St. Louis, MO and Kansas City, MO: from St. Louis over Interstate Hwy. 70 to Kansas City and return over the same route serving no intermediate points; (3) Between Kansas City, MO and Chicago, IL: from Kansas City, MO over Interstate Hwy. 70 to junction Interstate Hwy. 55, then over Interstate Hwy. 55 to Chicago, IL and return over the same route serving no intermediate points; (4) Between Chicago, IL and Minneapolis, MN: from Chicago, IL over Interstate Hwy. 90 to junction Interstate Hwy. 90/94 to junction Interstate Hwy. 94, then over Interstate Hwy. 94 to junction Interstate Hwy. 494 or, as an alternative for operating convenience only, over Interstate Hwy. 94 to junction Interstate Hwy. 35, then over Interstate Hwy. 35 to junction Interstate Hwy. 494 to Minneapolis, MN and return over the same route serving no intermediate points; (5) Between Minneapolis, MN and Milwaukee, WI: from Minneapolis, MN over Interstate Hwy. 494 to junction Interstate Hwy. 94, then over Interstate Hwy. 94 to Milwaukee, WI and return over the same route serving no intermediate points; (6) Between Milwaukee and Eau Claire, WI, serving LaCrosse, WI as an off route point, and Madison, WI as an intermediate point; From Milwaukee via I94 to Madison, WI, then via I94 to Eau Claire, WI (with service to LaCrosse, WI over I90 from Madison, WI) and return over the same route serving no intermediate points except Madison, WI; and (7) Between Chicago, IL and Detroit, MI: from Chicago, IL over Interstate Hwy. I94 to Detroit, MI, and return over the same route, serving no intermediate points, for 180 days. Supporting Shipper(s): ABC Airfreight, 2641 Greenleaf Ave., Elk Grove, IL 60007. Airborne Freight Corp., 9477 Aeorspace Dr., St. Louis, MO 63134. WTC Air Freight, 4849 N. Scott St., Suite 108, Schiller Park, IL 60176. Trans World Airlines, 605 3rd St., NY, NY 10016. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 95540 (Sub-1134TA), filed August 17, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). *Razors, razor blades, cigarette lighters, toiletries and related personal care products* from the facilities of the Gillette Company in Andover, MA to Morrow and Newnan, GA, Charlote, NC and Jacksonville, FL for 180 days. Supporting Shipper(s): The Gillette Company, Prudential Tower Bldg., Boston, MA 02199. Send protests to: Donna M. Jones, T/A, ICC–BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 111170 (Sub-264TA), filed August 17, 1979. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: Fred Worsham (same address as applicant). *Pulpmill liquids,* in bulk, in tank vehicles, between plantsites of International Paper Company at or near Bastrop, LA; Camden, AR; Pine Bluff, AR; Natchez and Redwood, MS and South Texarkana, TX, for 180 days. Supporting Shipper(s): International Paper Company, P.O. Box 160707, Mobile, AL 36616. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 111401 (Sub-588TA), filed August 14, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). *Drilling rig equipment, materials and supplies,* between Farmington, NM and points in CO & WY, for 180 days. Supporting Shipper(s): Homco, P.O. Box 2344, Farmington, NM 87401. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 113591 (Sub-78TA), filed August 7, 1979. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Charles A. Daniel (same as applicant). *Milk condensed or evaporated,* from Mount Vernon, MO to Carthage, MO to points in the states of AL, AR, CO, IA, KS, LA, MN, NE, ND, OK, TN, TX, SD, WI, IL, FL, and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carnation Company, 5045 Wilshire Boulevard, Los Angeles, CA 90036. Send protests to: Vernon V. Coble, DS, I.C.C., 600 Federal Bldg., 911 Walnut, Kansas City, MO 64106.

MC 114290 (Sub-89TA), filed August 9, 1979. Applicant: EXLEY EXPRESS, INC., 2610 S.E. 8th, Portland, OR 97202.

Representative: Nick I. Goyak & Peter Glade, 555 Benj. Franklin Plaza, One S.W. Columbia, Portland, OR 97258. *Such commodities as are dealt in by retail and chain grocery and hardware and drug stores, in containers, and materials and supplies (except in bulk), used in the manufacturing & distribution of such commodities* between Los Angeles, CA and Portland, OR and their commercial zones, and points and places in AZ, NV, UT, ID, OR, WA, MT, and TX, for 180 days. A corresponding permanent is pending, MC 114290 Sub-88F. Supporting shipper(s): Boyle-Midway, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 115570 (Sub-25TA), filed June 29, 1979. Applicant: WALTER A. JUNGE, INC., 3818 S.W. 84th St., Tacoma, WA 98491. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. *Contract carrier:* irregular routes: (1) *Paper, paper articles, polyethylene film, plastics and ink,* and (2) *equipment, materials and supplies used in the manufacture and distribution of the commodities named in (1) above,* between Vancouver, WA on the one hand, and points in OR, CA, NV, on the other hand, for the account of Portco Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Portco Corporation, 4200 Columbia Way, Vancouver, WA 98661. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 115931 (Sub-101TA), filed August 9, 1979. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Plastic pipe and materials and supplies used in the installation of plastic pipe* from the facilities of Plexco, a division of Amsted Industries at or near Fairfield, IA to points in MT, ND, SD and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Plexco, a Division of Amsted Industries, 3240 North Mannheim Rd., Franklin Park, IL 60131. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 116110 (Sub-25TA), filed August 14, 1979. Applicant: P. C. WHITE TRUCK LINE, INC., P.O. Box 1488, Dothan, AL 36301. Representative: Marc A. Pearl, 3390 Peachtree Road, NE, Atlanta, GA 30326. *(1) Synthetic organic chemicals* (except in bulk, in tank vehicles), from the facilities of Arichem, Inc., at or near Ariton, AL, to points in CT, DE, FL, GA, IL, MA, MD, NC, NJ, NY, OH, PA, RI, SC, and VA; and (2) *materials, equipment and supplies used in the production, sale and distribution of commodities named above* to the facilities of Arichem, Inc. at or near Ariton, AL, for 180 days. Restriction: Restricted to the transportation of traffic originating at or destined to the facilities of Arichem, Inc. at or near Ariton, AL. Supporting shipper(s): Dr. Z. L. Taylor, Jr., P.O. Box 187, Ariton, AL 36311. Send protests to: Mabel E. Holston, T/A, Room 1616—2121 Building, Birmingham, AL 35203.

MC 116110 (Sub-26TA), filed August 17, 1979. Applicant: P. C. WHITE TRUCK LINE, INC., P.O. Box 1488, Dothan, AL 36301. Representative: Bruce E. Mitchell, 3390 Peachtree Road, NE, Atlanta, GA 30326. *(1) Synthetic resins, naval stores, tall oil products,* from the facilities of Arizona Chemical Co. located at or near Panama City, FL to points in the United States (except AL, HI and CA); and *(2) materials, equipment and supplies used in the production, sale or distribution of the commodities named above* from points in the destination territory identified in (1) above to the facilities of Arizona Chemical Co. at or near Panama City, FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arizona Chemical Company, 859 Berdan Avenue, Wayne, NJ 07470. Send protest to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 116300 (Sub-58TA), filed August 13, 1979. Applicant: NANCE & COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: H. D. Miller, Jr., Deposit Guaranty Plaza Bldg., Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *drilling mud,* from the facilities of Barium Supply Company, located at or near Houston, TX, to Lafayette, LA. Supporting shipper(s): B & S Industries, Inc., 515 South College St., Lafayette, LA 70503. Send protest to: Alan C. Tarrant, D/S ICC, Suite 1441, 100 West Capitol St., Jackson, MS 39201.

MC 116300 (Sub-59TA), filed August 15, 1979. Applicant: NANCE & COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: H. D. Miller, Jr., Suite 1700, Deposit Guaranty Plaza, Jackson, MS 39205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *salt, in sacks and packages,* from the facilities of Diamond Crystal Salt Company at Jefferson Island, LA to Harlan, Louisville, Mayfield and Middlesboro, KY. An underlying ETA seeks 90 days authority. Supporting shipper(s): Diamond Crystal Salt Company, 916 S. Riverside Ave., St. Clair, MI 48079. Send protest to: Alan C. Tarrant, 100 West Capitol Street, Jackson, MS 39201.

MC 116300 (Sub-60TA), filed August 24, 1979. Applicant: NANCE & COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: H. D. Miller, Jr., Suite 1700, Deposit Guaranty Plaza, Jackson, MS 39205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *liquid bleach and fabric finish, except in bulk,* from the facilities of National Marketing Associates, Inc., New Orleans, LA to Birmingham, Geneva and Montgomery, AL. Note: Applicant has been granted emergency temporary authority to perform the involved service. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Marketing Sales, Inc., 1501 St. Louis St., New Orleans, LA 70112. Send protest to: Alan Tarrant DS ICC, Suite 1441, 100 West Capitol St., Jackson, MS 39201.

MC 121470 (Sub-33TA), filed August 15, 1979. Applicant: TANKSLEY TRANSFER CO., 801 Cowan Street, Nashville, TN 37207. Representative: Roy L. Tanksley (same address as applicant). *Iron and steel articles,* from the facilities of Republic Steel Corp. at or near Gadsden Alabama to points in FL, GA, KY, MS, NC, SC, and TN, for 180 days. Supporting shipper(s): Republic Steel Corp., Alabama City Station, Gadsden, AL 35901. Send protest to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 127840 (Sub-130TA), filed August 9, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: Charles R. Emhuff, P.O. Box 425, Summit, IL 60501. *Edible and inedible fats, animal oils, and products and blends of animal fats and oils transported in bulk,* from the facilities of George A. Hormel & Co., Davenport, IA to all points in IL, MN, MO, NB, SD and WI for 180 days. Supporting Shipper(s): George A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 127840 (Sub-131TA), filed August 10, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: Charles R. Emhuff, P.O. Box 425, Summit, IL 60501. *Liquid chemicals,* in

bulk, in tank vehicles, from the facilities of Nalco Chemical Co., at Garyville, LA and Sugarland, TX to points in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Nalco Chemical Company, 2901 Butterfield Rd., Oak Brook, IL 60521. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 135070 (Sub-97TA), filed August 3, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn Larsen, P.O. Box 82816, Lincoln, NE 68501. *Candy and confectionery, in vehicles equipped with mechanical refrigeration,* from the facilities of M&M/Mars, at or near Elizabeth and Hackettstown, NJ, and Elizabethtown, PA to points in AR, OK, TX, CO, KS, MO, IA, LA, TN, NE, UT, NM, NV, & OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): M&M/Mars, Division of Mars, Inc., High St., Hackettstown, NJ 07840. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 135070 (Sub-98TA), filed August 10, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Alcoholic beverages and materials and supplies used in the distribution of alcoholic beverages,* from Weston, MO to Houston, TX, and points within its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Key Distributors, Inc., P.O. Box 303, Houston, TX 77001. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 135070 (Sub-99TA), filed August 13, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Amarillo, TX 68501. *Plastic articles,* from the facilities of Eli Lilly & Company, at or near Clinton, Lafayette, and Indianapolis, IN, to points in TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Eli Lilly & Company, 1555 S. Kentucky Ave., Indianapolis, IN 46206. Send protests to: Martha A. Powell, TCS, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 135861 (Sub-55TA), filed August 13, 1979. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. *Contract carrier*-irregular routes: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses as described in Sections A and C to Appendix I to the report described in Descriptions Motor Carrier Certificates, 61 M.C.C. 209 & 766 (except hides and commodities in bulk),* from Brownwood, TX, to AL, AR, AZ, CA, CO, FL, GA, IL, IN, IA, KS, LA, MI, MN, MO, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, WA, WI, for the account of Swift & Company, for 180 days. Supporting Shipper(s): Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 136511 (Sub-74TA), filed August 6, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. *Frozen foodstuffs,* from Compton, Montebello, Santa Ana, Vernon and Riverside, CA to points in MI, IN, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, OH, PA, MD, DE, NJ, NY, DC and Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Butcher Boys Foods, Inc., P.O. Box 5647, Riverside, CA 92507. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 142310 (Sub-25TA), filed August 8, 1979. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Meat, meat products, meat byproducts and articles distributed by meat packing houses* as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, 766 (except hides and commodities in bulk), from E. St. Louis, IL to points in MN & WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Swift & Co., 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 144901 (Sub-3TA), filed August 24, 1979. Applicant: INTERMODAL SYSTEMS, INC., 4740 Roanoke Parkway, Kansas City, MO 64112. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *General commodities (except commodities in bulk, in tank vehicles, Class A and B explosives, household goods as defined by the Commission and commodities which, because of size or weight, require the use of special equipment),* between points in AR, CA, KS, KY, LA, MS, MO, OK, TN and TX, restricted to traffic which originates at or is destined to points in CA and which involves substitution of trailer-on-flat-car service for a portion of the through movement, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Supported by 61 shippers whose statements can be viewed at the field office or at Commission offices in Washington, D.C. Send protests to: Vernon V. Coble, DS, I.C.C., 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 145220 (Sub-11TA), filed August 16, 1979. Applicant: IREDELL MILK TRANSPORTATION, INC., Rt. 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Apple juice, in bulk, in tank vehicles,* from the facilities of Duffy-Mott Company, Inc. at or near Inman, SC to Aspers, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Duffy-Mott Company, Inc., 370 Lexington Ave., NY, NY 10017. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd–Rm CC516, Charlotte, NC 28205.

MC 145220 (Sub-12TA), filed August 17, 1979. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Apple juice, in bulk, in tank vehicles,* from the facilities of Gerber Products Company at or near Asheville, NC to Fort Smith, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gerber Products Company, P.O. Box 2689, Asheville, NC 28802. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd., Room CC516, Charlotte, NC 28205.

MC 145540 (Sub-2TA), filed August 27, 1979. Applicant: VILLAGE MOTORS OF CATTARAUGUS COUNTY, INC., 730 East State Street, Olean, NY 14760. Representatives: S. Michael Richards/ Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, NY 14580. Contract carrier, irregular routes. *Foodstuffs and animal feed, manufactured and/or distributed by Friendship Dairies, Inc. and related materials, supplies and equipment used in the manufacture, production, packaging, sale and distribution of the above commodities (except in bulk),* between Friendship, NY, on the one hand, and, on the other, all points in MA, PA, NJ, and New York City and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Friendship Dairies, Inc., 4900 Maspeth Avenue, Queens, NY 11378. Send protests to: Anne C. Siler, TA, ICC, 910 Federal

Building, 111 W. Huron Street, Buffalo, NY 14202

MC 145950 (Sub-44TA), filed August 6, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, DC 20001. *Meats, meat products, meat byproducts, dairy products and articles distributed by packinghouses as described in Sections A, B, and C of Appendix I to the report in Descriptions of Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk),* from the facilities of Swift & Company at or near Rochelle, St. Charles, Bradley, and E. St. Louis, IL; and Kansas City, KS; to points in ME, NH, VT, RI, MA, CT, NY, PA, NJ, DE, OH, WV, MD, KY, TN, VA, NC, SC, FL, GA, AL, MS, LA, CA, DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 W. Jackson Boulevard, Chicago, IL 60604. Send protests to: Martha A. Powell, TCS, ICC, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 145950 (Sub-45TA), filed August 6, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, DC 20001. *Meats, meat products, and articles distributed by meat packinghouses as described in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk),* from the facilities of Swift & Company, at New York, NY; Jersey City, NJ; Miami and Tampa, FL; Laredo and El Paso, TX, to IN, IL, AL, TN, OH, GA, TX, PA, WI, MI, IA, KY, MN, NC, SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 W. Jackson Boulevard, Chicago, IL 60604. Send protests to: Martha A. Powell, TCS, ICC, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 145950 (Sub-46TA), filed August 6, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, DC 20001. *Meats, meat products, meat byproducts, dairy products and articles distributed by packinghouses as described in Sections A, B, and C of Appendix I to the report in Descriptions of Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk),* from the facilities of Swift & Company at or near Cactus and Fort Worth, TX to points in ME, NH, VT, RI, MA, CT, NY, PA, NJ, DE, OH, WV, MD, KY, TN, VA, NC, SC, FL, GA, AL, MS, LA, CA, AZ, NV, OR, WA, DC, IN, and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 W. Jackson Boulevard, Chicago, IL 60604. Send protests to: Martha A. Powell, TCS, ICC, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 146670 (Sub-1TA), filed April 30, 1979. Applicant: McCLOUD, INC., 2151 N. 900 W., P.O. Box 16027, Salt Lake City, UT 84116. Representative: Paul D. McCloud (same address as applicant). Contract carrier, irregular routes. *Household and commercial appliances* and *parts for same,* from Newton, IA and its commercial zone to Salt Lake City, UT, Los Angeles and San Diego, CA, and to Phoenix, AZ and their respective commercial zones, for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Mountain State Laundry Equipment Co., P.O. Box 16027, Salt Lake City, UT 84116. Coin & Professional Equipment Co., Inc., 4111 N. 18th Place, Phoenix, AZ 85016. The Maytag Company, 403 W. 4th Street, N. Newton, IA 50208. Stanton Sales Corporation, 4801 West 147th Street, Hawthorne, CA 90250. Send protests to: L. D. Helfer, DS, 5301 Federal Building, Salt Lake City, UT 84138.

MC 146890 (Sub-15TA), filed August 3, 1979. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. *Animal and poultry feed, feed ingredients, and health products used in the care and maintenance of animals and poultry,* between the facilities of Ralston Purina Co. at Circleville, OH, on the one hand, and, on the other, points in PA, WV, MD, and NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Co., P.O. Box 538, Circleville, OH 43113. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147951 (Sub-1TA), filed August 8, 1979. Applicant: YOURLINE, INC., 3540 E. 26th Street, Los Angeles, CA 90023. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract:* Irregular: *Such commodities as are dealt in by retail furniture stores,* between the facilities of R. B. Furniture, Inc., located at or near Irvine, CA, and the retail stores of R. B. Furniture, Inc., located at Mesa, Scottsdale, Phoenix, and Tucson, AZ, and Las Vegas, NV, under a continuing contract with R. B. Furniture, Inc., of Irvine, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shippers(s): R. B. Furniture, Inc., 2323 S.E. Main Street, Irvine, CA 92714. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 148020 (Sub-1TA), filed August 14, 1979. Applicant: BIG "M" TRANSPORT, INC., 3100 Hilton Street, Jacksonville, FL 32209. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Bananas, pineapples, and agricultural commodities exempt from regulation under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas and pineapples,* from Mobile, AL, Miami, FL, Tampa, FL, New Orleans, LA, Gulfport, MS, and Charleston, SC to points in FL, GA, SC, NC, and VA, for 180 days. Supporting shippers(s): Turbana Banana Corp., 2701 Lejeune Road, Coral Gables, FL; Del Monte Banana Company, 1201 Brickwell Avenue, Miami, FL 33131; Castle & Cooke Foods, 2900 Veterans Highway, Metarie, LA 70002. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 2228 (Sub-70TA), filed July 20, 1979. Applicant: MERCHANTS FAST MOTOR LINES, INC., P.O. Box 591, East Hwy 80, Abilene, TX 79604. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767. *General Commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):* (1) Between El Paso, TX, and Albuquerque, NM, serving all intermediate points, and serving points in the respective commercial zones of El Paso and Albuquerque: From El Paso over Interstate Hwys 10/25 (U.S. Hwy 85) to Albuquerque and return over the same route. (2) Between El Paso TX, and San Antonio, NM, serving all intermediate points and serving The White Sands Missile Range as an off-route point: From El Paso over U.S. Hwy 54 to Carrizozo, NM, then over U.S. Hwy 380 to San Antonio, and return over the same routes. (3) Between Tularosa, NM, and Carrizozo, NM, serving all intermediate points: From Tularosa over U.S. Hwy 70 to junction U.S. Hwy 380, then over U.S. Hwy 380 to Carrizozo and return over the same route. (4) Between U.S. Hwy 70 and U.S. Hwy 380, serving all intermediate points: From the junction U.S. Hwy 70 and NM Hwy 37 over NM Hwy 37 to junction NM Hwy 48, then over NM Hwy 48 to junction 380. (5) Between Las Cruces, NM, and Alamogordo, NM, serving the intermediate or off-route points of The White Sands Missile Range and Holloman Air Force Base: From Las

Cruces over U.S. Hwys 70/82 to Alamogordo and return over the same route. (6) Between Brownfield, TX, and Hondo, NM, serving no intermediate points: From Brownfield over U.S. Hwy 380 to Hondo, and return over the same route. (7) Between Lubbock, TX, and Albuquerque, NM, serving no intermediate points but serving points in the respective commercial zones of Lubbock and Albuquerque: From Lubbock over U.S. Hwy 84 to Clovis, NM, then over U.S. Hwy 60 to Encino, NM, then over U.S. Hwy 285 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Albuquerque, and return over the same route. (8) Between Adrian, TX, and Albuquerque, NM, serving no intermediate points: From Adrian over Interstate Hwy 40 (U.S. Hwy 66) to Albuquerque, and return over the same route, for 180 days. Supporting shippers(s): There are 378 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

Note.—Applicant proposes to tack the authority here applied for to authority held in MC–2228 and Subs thereunder, and intends to interline with other carriers at Albuquerque, NM, and at any other points at which carriers will accept traffic and protect joint route and through rate provisions.

MC 40898 (Sub-28TA), filed August 16, 1979. Applicant: S & W MOTOR LINES, INC., P.O. Box 11439, Greensboro, NC 27409. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Plumbing fixtures, plumbing supplies, fittings and accessory parts* (1) from Trenton, NJ to points in NC and SC, and (2) from Tiffin, OH to points in NC, SC, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Standard Inc., P.O. Box 2003, New Brunswick, NJ 08903. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd-RM CC516, Charlotte, NC 28205.

MC 40978 (Sub-63TA), filed August 20, 1979. Applicant: CHAIR CITY MOTOR EXPRESS CO., 3321 Business 141 S., Sheboygan, WI 53081. Representative: Daniel Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Appliances,* from St. Cloud, MN to points in IL, IN, MI, OH and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Franklin Mfg. Co., 701–33rd Ave. N., St. Cloud, MN 56301. Dykro, Inc., N90 W14401 Commerce Dr., Menomonee Falls, WI 53051. Montgomery Ward & Co., Inc., Montgomery Ward Plaza, Chicago, IL 60671. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 40978 (Sub-64TA), filed August 20, 1979. Applicant: CHAIR CITY MOTOR EXPRESS CO., 3321 Business 141 S., Sheboygan, WI 53081. Representative: Daniel Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. *New furniture* from St. louis, MO to points in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Montgomery Ward, Montgomery Ward Plaza, Chicago, IL 60671. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 40978 (Sub-65TA), filed August 28, 1979. Applicant: CHAIR CITY MOTOR EXPRESS CO., 3321 Business 141 S., Sheboygan, WI 53081. Representative: Richard Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Materials and supplies used in the manufacture of office furniture* from Woolrich, PA & Longview, NC to facilities of All-Steel, Inc. at Aurora, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): All-Steel, Inc., P.O. Box 871, Aurora, IL. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 48958 (Sub-196TA), filed August 17, 1979. Applicant: ILLINOIS–CALIFORNIA EXPRESS, INC., 510 East 51st Ave. Denver, CO 80216. Representative: Lee E. Lucero, (same address as applicant). *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring the use of special equipment),* serving the facilities of Rubbermain Commercial Products, Inc., at or near Cleburne, TX as an off-route point in connection with carrier's otherwise authorized regular-route operations, for 180 days. Applicant intends to tack. Supporting shipper(s): Rubbermaid Commercial Products, Inc., P.O. Box 771, Cleburne, TX 76031. Send protests to: R. Buchanan, 492 U.S. Customs House Denver, CO 80202.

MC 56388 (Sub-37TA), filed August 3, 1979. Applicant: HAHN TRANSPORTATION, INC., New Market, MD 21774. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. *(1) Agricultural limestone suspension, in bulk, in tank vehicles* from Mt. Airy, MD to Malvern, PA and Warminster, PA. *(2) Agriculatural limestone, in pneumatic tank vehicles,* from Thomasville, PA to Mt. Airy, MD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Meyers Liquid Fertilizer Co., 50 Wisner St., P.O. Drawer 180, Frederick, MD 21701. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 57778 (Sub-29TA), filed May 17, 1979. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Avenue, Detroit, MI 48209. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Food stuffs* from the facilities of Globe Products Co., Inc. at or near Clifton, NJ, to points in AR, IN, IL, LA, MI, MN, OH, OK, PA, TN, TX, and WI; and *frozen fruit* from Brownsville and Laredo, TX and points in Grand Traverse County, MI, to the facilities of Globe Products Co., Inc. at or near Clifton, NJ. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Globe Products Company, Inc., P.O. Box 1927, 55 Webro Road, Clifton, NJ 07015. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 73688 (Sub-106TA), filed August 13, 1979. Applicant: SOUTHERN TRUCKING CORPORATION, P.O. Box 7195, 1500 Orenda Ave., Memphis, TN 38107. Representative: Diane Price, Route 6, Box 15, North Little Rock, AR 72118. *Agricultural implements* from Yazoo City, MS to points in AR, IA, IL, IN, KS, KY, MD, MI, MN, MO, ND, NE, NY, OH, PA, SD, VA, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): AMCO Manufacturing Co., Inc., P.O. Box 1107, Yazoo City, MS 39194. Send protests to: Floyd A. Johnsons, District Supervisor, Interstate Commerce Commission, 100 North Main Street—Suite 20006, Memphis, TN 38103.

MC 87928 (Sub-52TA), filed August 31, 1979. Applicant: AUTOMOBILE TRANSPORT, INC., 36555 Michigan Ave., Wayne, MI 48184. Representative: Eugene Ewald, 100 W. Long Lake Rd, Suite 102, Bloomfield Hills, MI 48103. *Motor vehicles, in initial movements, in truckaway service,* from Battle Creek, MI to points in the U.S. (except AK and HI) for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Model A and Model T Motor Car Reproduction Corp., 200 Elm St., Battle Creek, MI 49015. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 110328 (Sub-17TA), filed August 13, 1979. Applicant: ROY A. LEIPHART TRUCKING, INC., 1298 Toronita St., York, PA 17402. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. (1) *Automotive parts, accessories and*

related articles; carpeting and carpeting machinery, from Carlisle and Lewistown, PA and their respective commercial zones to points in MI and OH and from points in MI and OH to points in NJ, VA, and GA; and (2) *unfinished synthetic yarn, synthetic staple fibers, batting, batts, wadding, cotton jute or sisel rug cushions,* from Norfolk, VA, Henderson, NC, Covington, GA, Dalton, GA and Roanoke, VA and their respective commercial zones, to Carlisle and Lewistown, PA, and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): C. H. MASLAND & SONS, Box 40, 50 Spring Rd., Carlisle, PA 17013. Ford Motor Co., One Parklane Blvd., Parklane Towers-East, Suite 200, Dearborn, MI 48126. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 110988 (Sub-399TA), filed August 15, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *(1) Rolling processing fluid* from the facilities of The Ironsides Company at Coumbus, OH to points in IN, IL, MI, and NE and *(2) equipment, materials and supplies used in the manufacture and distribution of rolling processing fluid* from points in WI, IN, IL, MI, IA, and NE to the facilities of The Ironsides Company at Columbus, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Ironsides Company, P.O. Box 1999, Columbus, OH 43216. Send protests to: John E. Ryden DS, ICC, 517 E. Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 113158 (Sub-40TA), filed August 13, 1979. Applicant: TODD TRANSPORT CO., INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *Foodstuffs (except commodities in bulk and frozen foods),* from the facilities of H. P. Cannon & Son, Inc., at Dunn, NC to Bridgeville, DE: Preston, MD, and Milton, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): H. P. Cannon & Son, Inc., P.O. Box 277, Bridgeville, DE 19933. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 113158 (Sub-41TA), filed August 15, 1979. Applicant: TODD TRANSPORT CO., INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bk. Bldg., Philadelphia, PA 19107. *Foodstuffs,* (except in bulk) from the facilities of Seneca Foods Corporation at Marion, Newark, Williamson, East Williamson, Oaks Corners, Himrod, Geneva, Sterling, Dundee and Penn Yan, NY to points in DE, MD, NJ, points in PA on and east of a line beginning at the NY-PA state line at Lawrenceville, PA and extending south along U.S. Hwy. 15 to junction Interstate Hwy. 81 near Enola and thence along Interstate Hwy. 81 to the PA-MD state line near State Line, PA, New York, NY, and points in Suffolk County, NY, restricted to the transportation of shipments originating at the named origins and destined to the described destinations for 180 days. An underlying ETA seeks ninety (90) days' authority. Supporting shipper(s): Seneca Foods Corp., Main St., Marion, NY 14505. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 113678 (Sub-833TA), filed August 16, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as above). General Commodities, over irregular routes, Meats, meat products, meat by-products, articles distributed by meat packing houses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in Sections A, C, and D, of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except skins, hides, and pieces thereof, and commodities in bulk in tank or hopper vehicles). (1) between the facilities of Lauridsen Foods, Inc., located at or near Britt, IA, on the one hand, and, on the other, points in the United States (except AK, HI, and IA); (2) from Mason City, IA to points in the United States (except AK, CT, DE, HI, IL, IN, IA, KY, ME, MD, MA, MI, NE, NJ, NY, PA, and DC) and Chicago, IL and points in its commercial zone in IN and IL; and (3) from points in the United States (except AK, HI, and IA) to Mason City, IA, restricted to the transportation of traffic originating at, and destined to, the points named in parts (1), (2), and (3) above, for 180 days. Supporting shipper(s): Armour & Company, Greyhound Towers, Phoenix, AZ 85077. Send protests to: H. C. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 113678 (Sub-834TA), filed August 17, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as above). Alcoholic beverages (except commodities in bulk) from Cincinnati, OH, and its commercial zone and points in KY to Denver, CO, and its commercial zone (representative KY origins are Frankfort, Bardstown, and Louisville), for 180 days. Supporting shipper(s): McKesson Wine & Spirits Co., 1800 Bassett St., Unit B, Denver, CO 80217. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 113828 (Sub-274TA), filed August 6, 1979. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20014. *Cement,* in bulk, in tank vehicles, from Baton Rouge, LA to Richmond, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Eastern Imperial Coatings, 3000 N. Blvd., Richmond, VA 23230. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 113828 (Sub-275TA), filed August 9, 1979. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Salt cake,* in bulk, in tank vehicles, from Baltimore, MD to West Point, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Chesapeake Corp. of VA, Box 311, West Point, VA 23181. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 113828 (Sub-276TA), filed August 20, 1979. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 1320 Fenwick Lane., Silver Spring, MD. *Liquid adhesives* from Milwaukee, WI to Baltimore, MD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Findley Adhesives, Inc., P.O. Box 3000 Elm Grove, WI 53122. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 117568 (Sub-22TA), filed August 15, 1979. Applicant: WADE TRUCK LINES, INC., P.O. Box 156 Verona, MO 65769. Representative: Charles B. Fain, Fain & Fain, 333 Madison Street, Jefferson City, MO 65101. *Agricultural feed products, food and drug additives and raw materials needed for the production of same including raw materials in bulk,* from plants at Chicago Heights, IL; West Alexandria, OH; Atlanta, GA; Republic, MO; and Cypress, CA to all points in the U.S. and from all points in the U.S. to the plant sites listed above, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dawe's Laboratories, Inc., 450 State Street, Chicago Heights, IL 60411. Send protests to: Vernon V. Coble, DS, I.C.C. 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 121598 (Sub-3TA), filed August 16, 1979. Applicant: SHELBYVILLE EXPRESS, INC., Hill Avenue, P.O. Box 11080, Nashville, TN 37211. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. *General commodities (except household goods, classes A and B explosives, commodities in bulk, and articles requiring special equipment),* 1. Between Shelbyville and Memphis, TN. (a) From Shelbyville via U.S. Hwy 231 to Fayetteville, then via U.S. Hwy 64 to Memphis, and return over the same route, serving no intermediate points. (b) From Shelbyville via U.S. Hwy 231 to junction with I–24, then via I–24 to Nashville, then via I–40 to Memphis, and return over the same route, serving Nashville as intermediate points. Restriction: Restricted against the handling of traffic which originates at or is destined to points in Davidson County, TN, on the one hand, and, on the other, that which originates at or is destined to Memphis, TN and points in its commercial zone. 2. Between Memphis, TN and Monroe, LA. From Memphis via U.S. Hwy 61 to its junction with U.S. Hwy 80, then via U.S. Hwy 80 to its junction with U.S. Hwy 65, then via U.S. Hwy 65 to junction with U.S. Hwy 165, then via U.S. Hwy 165 to Monroe, LA, and return over the same route, serving all intermediate points in LA, and all other points in LA as off-route points on and north of U.S. Hwy 84, from the Mississippi River to its junction with LA Hwy 9, and on and east of points on LA Hwy 9 to the LA–AR State line, and serving the junction of U.S. Hwy 61 and I–20 for joinder only, and excluding service on U.S. Hwy 84 from the Mississippi River to Jena, LA, including the commercial zone of Jena. 3. Between the junction of U.S. Hwy 61 and I–20 and the junction of I–20 and U.S. Hwy 65, via I–20, serving the junction of U.S. Hwy 61 and I–20 for joinder only. Restriction: Routes 2 and 3 restricted as follows: (a) Restricted against service in the Commercial Zone of LA points which lie in MS. (b) Restricted against the interline of traffic at any points in LA which originates at or is destined to points in MS. Restriction: Restricted against service at points in AR which are in the commercial zone of Memphis, TN, and Junction City, LA, or at any point in AR. The above authority is requested for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 45 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

Note.—Applicant proposes to interline traffic with other carriers at Nashville and Memphis, TN and Monroe, LA. It also proposes to serve the commercial zone of Nashville and Shelbyville, TN and that part of the commercial zone of Memphis, TN which lies in TN.

MC 124078 (Sub-993TA), filed August 15, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as applicant). *Cement,* in bulk from Buffington, IN to Canaan, CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corporation, 600 Grant St., Pittsburgh, PA 15230. Send protests to: John E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-994TA), filed August 27, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as applicant). *Ground limestone,* in bulk, in tank vehicles, from Tate, GA to Janesville, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia Marble Co., 2575 Cumberland Pkwy, NW, Atlanta, GA 30339. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-995TA), filed August 27, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as applicant). *Fly ash* from (1) Trenton, NJ; Holtwood, PA and Montour County, PA to points in CT, DE, MA, MD, NJ, NY, PA, RI, VA and WV and (2) from Montour County, PA to points in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Admixtures Corp., 1835 Pennsylvania Ave., Hagerstown, MD 21740. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 126118 (Sub-184TA), filed August 13, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). *Such commodities as are used by and dealt in by metal fabricators and manufacturers and distributors of containers and hoists (except liquid in bulk)* (1) Beatrice, NE and Dyersburg, TN and their commerical zones, on the one hand, and, on the other, points in the United States (except AK and HI); (2) from Lewisport, KY; Davenport, IA; Alcoa, TN; Louisville, KY; Sandow, TN; and Spokane, WA and their commercial zones to Kansas City, MO and its commercial zones; (3) from Massillon, OH; Detroit, MI; Middletown, OH; Midland, PA; and Chicago, IL and their commercial zones to Sedalia, MO and its commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hoover Universal, Inc., 700–710 South 7th St., Beatrice, NE 68310. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-185TA), filed August 14, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *Electrical equipment, devices, products, parts for those commodities and commodities used by and dealt in by manufacturers of those commodities (except in bulk and commodities which because of size and weight require special equipment)* from the facilities of General Electric Company at or near Mebane, NC to points in the United States in and west of WI, IA, MO, AR and LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Electric, Mebane, NC. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-186TA), filed August 14, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *Animal and poultry feed (except in bulk), health and sanitation supplies and ingredients, materials and supplies used in the manufacture and distribution thereof* between Portland, IN, on the one hand, and, on the other, points in and east of MN, IA, NE, KS, AR and LA (except IN) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Multifoods, 1200 Multifoods Building, 8th & Marquette Avenue, Minneapolis, MN 55402. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-187TA), filed August 24, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same address as applicant). *Such articles as are dealt in by manufacturers, wholesalers and retailers of bedroom furniture* from points in Los Angeles, Orange and San Diego Counties, CA to points located in and east of MT, WY, CO and NM for 180

days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Beau Gentry's Waterbeds, 700 N. Marshall, El Cajon, CA 92020. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 135078 (Sub-62TA), filed August 22, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Beverages* from Lennexa, KS to the commercial zones of Lincoln, Norfolk and Omaha, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mid-America Container Corp., 10001 Industrial Blvd., Lenexa, KS 66215. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 135518 (Sub-15TA), filed June 20, 1979. Applicant: WESTERN CARRIERS, INC., 53 S. Dawson, Seattle, WA 98124. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Chilled and frozen Mexican foods,* from Tulare, CA to points in OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Don Ricardo Food Co., 1526 So. K Street, Tulare, CA 93274. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 136818 (Sub-92TA), filed August 21, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Salt,* from points in Salt Lake County, UT to points in AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Morton Salt Division of Morton-Norwich Products, Inc., 110 N. Wacker Dr., Chicago, IL 60606. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 138438 (Sub-65TA), filed August 6, 1979. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Ave., Hagerstown, MD, 21740. *Plastic pipe, fittings, valves and hydrants,* from the facilities of Clow Corp. at or near Buckhannon, WV to points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, OH, SC, TN, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clow Corp. 1121 W. 22nd St. Oak Brook, IL 60521. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620 Phila., PA 19106.

MC 138438 (Sub-66TA), filed August 15, 1979. Applicant: D. M. BOWMAN, Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *Building or insulating materials and accessories and supplies used in the installation thereof,* from the facilities of Masonite Corp. at or near Towanda, PA to points in CT, DE, ME, MA, NH, NJ, NY, NC, OH, RI, SC, VT, VA, WV, DC, and MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Masonite Corp., P.O. Box 311, Towanda, PA 18848. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th, Rm. 620, Phila., PA 19106.

MC 140538 (Sub-5TA), filed August 16, 1979. Applicant: Leslie Norman Fred, d.b.a. NORMAN FRED, DeSoto, IL 62924. Representative: Michael O'Hara, 300 Reisch Bldg., Springfield, IL 62701. (1) *Plastic bags,* from New Albany, IN to Carbondale, IL; (2) *Plastic containers,* from Sandusky, OH to Carbondale, IL; and (3) *Dairy products,* between Evansville, IN and Carbondale, IL for the account of Prairie Farms Dairy, Inc. for 180 days. An underlying ETA was granted for 90 days. Supporting shipper(s): Prairie Farms Dairy, Inc., 220 S. Washington, Carbondale, IL 62901. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 141408 (Sub-2TA), filed August 6, 1979. Applicant: KEPPEL CORPORATION, 1325 Horner Road, Woodbridge, VA 22191. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *Contract carrier:* Irregular routes: *Antenna structures, antenna panels, electronic antenna tuning equipment and electronic parts used in the operation of antenna structures,* from McLean, VA and Loudoun County, VA to points in CA, AZ, UT, UT, OK, TX, WA, IN, IL, LA, OH, PA, FL, GA, MA, NY, NJ, NC, SC, Georgia Military Installations, Civilian Government Installations, Manufacturers repairing antenna structure and related parts, for 180 days. Supporting shipper(s): Radiation Systems, Inc., 1755 Old Meadow Road, McLean, VA 22102. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 141688 (Sub-4TA), filed August 23, 1979. Applicant: HENRY E. REYNOLDS, SR., d.b.a. HANK'S TRUCKING, 400 Parsons Street, West Columai, SC 29169. Representative: Harry S. Dent, P.O. Box 528, Columbia, SC 29202. *Contract carrier:* Irregular routes: *Tape, sealing or masking, stone stencil compound, plaster paris bandage, and products and materials used in the manufacture of the above named commodities (except commodities in bulk in tank vehicles),* between the plantsite of Anchor Continental, Columbia, SC, on the one hand, and on the other, points and places in CA, TX, GA, IL, MI, OH, PA, NY, WA, OR and CO; Tuscon, Tempe and Flagstaff, AZ; Ogden and Clearfield, UT; Omaha, NE; Kansas City, KS; Baton Rouge and New Orleans, LA; Hattiesburg, Gulfport and Southaven, MS; Moundville, AL; Charleston, SC; Norfolk, VA; Louisville, KY; Eagan and Burnsville, MN; Kaukauna and Shawano, WI and Pensacola and Jacksonville, FL, for 180 days. Supporting shipper(s): Anchor Continental, Inc., 2000 South Beltline, Columbia, SC 29250. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 141898 (Sub-1TA), filed August 16, 1979. Applicant: ROBERTS CARTAGE OF OHIO, INC., P.O. Box 7162, Akron, OH 44306. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Blocks, rings, saddles, or shape, condensing or tower packing, chemicals, earthenware, plastic pipe, plastic sheeting and plastic tubing, except in bulk,* from the facilities of Norton Company, at or near Coneaut, Akron, Canal Fulton, Mineral City, Orrville, Urbana, Ravenna, and Tallmadge, Ohio to Akron, Ohio; for 180 days. An underlying ETA seeks 90 days authority. Restricted to shipments originating at the above-named facilities. Supporting shipper(s): Norton Co., P.O. Box 350, Akron, OH 44309. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 141928 (Sub-3TA), filed June 25, 1979. Applicant: KOHLMAN INDUSTRIES, LTD., 29170 Fraser Highway, Aldergrove, B.C., Canada VOX 1AO. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. *Contact carrier:* irregular routes: *Lumber and wood products,* from Ports of Entry on the U.S./Canada boundary line in WA to Lake Stevens, Tacoma, Everett and Snohomish WA for the accounts of Pacific Pallet, Limited, Cedar Vale Products, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pacific Pallet Limited 28686 Fraser Highway, Aldergrove, B.C., Canada; Cedar-Vale Products, Inc., 2910 Hartford Rd., Lake Stevens, WA 98258. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 142368 (Sub-27TA), filed August 27, 1979. Applicant: DANNY HERMAN TRUCKING, INC., 1415 East Ninth Avenue, Pomona, California 91766. Representative: William J. Monheim,

P.O. Box 1756, Whittier, California 90609. *Animal feed and feed ingredients,* from the facilities utilized by Kal Kan Foods, Inc., at or near Los Angeles and Cerritos, CA, to points in AZ, NM, and TX, for 180 days, an underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Kal Kan Foods, Inc., Traffic Manager, 3386 E. 44th Street, Vernon, California 90058. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, California 90053.

MC 142508 (Sub-111TA), filed August 14, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Clothing,* from El Paso, TX to Los Angeles, San Francisco and Stockton, CA; New Orleans, LA; Boston, MA; Jersey City, NJ; and New York, NY for 180 days. Supporting shipper(s): Lindo Apparel, 1931 Myrtle Avenue, El Paso, TX 79901. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 142508 (Sub-112TA), filed August 16, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Cleaning compounds (except in bulk),* from Claremont, MN to Anaheim, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stepan Chemical Company, Edens & Winnetka, Northfield, IL 60093. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-113TA), filed August 17, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Foodstuffs* from the facilities of Louisville Freezer Center at Louisville, KY to points in AZ, CA, CT, D.C., DE, IL, KS, MD, MI, MA, MN, MO, NY, NJ, PA, WA, WI and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Louisville Freezer Center, Division Omniway Service Company, 2000 South Ninth St., Louisville, KY 40208. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142688 (Sub-9TA), filed August 23, 1979. Applicant: COX TRANSFER, INC., Box 168, Eureka, IL 61530. Representative: Robert Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Malt beverages and supplies and materials used in the manufacture and/or distribution of malt beverages for the account of Pabst Brewing Co.,* between Milwaukee, WI and Peoria, IL (originating and destined to the facilities of Pabst Brewing Co.) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pabst Brewing Company, 917 W. Juneau Ave., Milwaukee, WI 53201. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 144598 (Sub-2TA), filed August 24, 1979. Applicant: C & J TRANSPORT, INC., P.O. Box 42, North Vassalboro, ME 04962. Representative: Chester A. Zyblut, 1030 Fifteenth St. NW., Suite 366, Washington, D.C. 20005. *Such merchandise as is dealt in and distributed by wholesale food distributors* from Philadelphia, PA, Clifton, Port Newark, and Piscataway, NJ, Brockport, Marion, Rochester, Syracuse, and New York, NY, and Boston, MA and points in their respective commercial zones, to North Vassalboro, Fairfield and Bangor, ME, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ladd Company, P.O. Box 177, North Vassalboro, ME 04962. Send protests to: Donald G. Weiler, District Supervisor, ICC, 76 Pearl St., Rm. 303, Portland, ME 04101.

MC 145148 (Sub-3TA), filed August 21, 1979. Applicant: SUTTER TRUCKING AND EQUIPMENT INC., 277 Versailles Rd., Irving, NY 14081. Representative: C. William Sutter (same address as above). Contract carrier-irregular routes. *Granulated slag in bags,* from the plantsite of H.B. Reed Co. in or near Moundsville, WV to all points in the state of NY on and west of Interstate Hgwy 81, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): H. B. Reed Co., 8149 Kennedy Ave., Highland, IN 46322. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron Street, Buffalo, NY 14202.

MC 145148 (Sub-4TA), filed August 29, 1979. Applicant: SUTTER TRUCKING AND EQUIPMENT INC., 277 Versailles Road, Irving, NY 14081. Representative: C. William Sutter (same address as above). Contract carrier-irregular routes. *Malt Beverages (beer and ale) in bottles and kegs,* from Cleveland and Columbus, OH to Niagara Falls, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gorge Distributing, 572–56th Street, Niagara Falls, NY. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 145468 (Sub-23TA), filed July 13, 1979. Applicant: K.S.S. TRANSPORTATION CORP., Route 1 & Adams Station, North Brunswick, NJ 08902. Representative: Elaine M. Conway, Sullivan & Associates, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Meats, meat products, meat by-products, and articles distributed by meat packinghouses from Spencer, IA to points in IL for 180 days. Restricted to traffic originating at the facilities of Spencer Foods, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Spencer Foods, Inc., Schuyler, NE 68661. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145608 (Sub-4TA), filed August 22, 1979. Applicant: HENRY JOHNSON TRUCKING, 7701 Greenleaf Drive, Omaha, NE 68128. Representative: Melvin C. Hansen, 610 Service Life Building, Omaha, NE 68102. Contract carrier; irregular routes: *Meat, meat products and articles distributed by meat packinghouses as described in Motor Carrier Certificate 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from Omaha, NE to Lodi, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Goehring Meats, Inc., P.O. Box 147, Lodi, CA 95240. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 145648 (Sub-5TA), filed June 15, 1979. Applicant: DUDLEY TRUCKING, INC., P.O. Box 1651 (1819 Olympic), Tacoma, WA 98401. Representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101. (1) *Treated poles, treated posts and treated lumber,* from the facilities of Timber Craft Products Company at Hayden Lake, ID, to points in WA, OR and CA; (2) *untreated lumber,* from points in WA, OR and CA to the facilities of Timber Craft Products Company at Hayden Lake, ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Timber Craft Products Co., P.O. Box 902, Hayden Lake, ID. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 146778 (Sub-1TA), filed August 17, 1979. Applicant: SAENZ BROS. TRUCKING & TOMATO CO., INC., 1500 South Zarzamora Street, San Antonio, TX 78207. Representative: Oscar G. Saenz (same address). *Empty containers* from New Orleans, LA and Mobile, AL to Houston, TX for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): NYK Line, Dalton Steamship Corporation, World Trade Bldg., Houston, TX 77002. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 146978 (Sub-1TA), filed August 24, 1979. Applicant: CAMERON TRUCKING COMPANY, INC., 602 North Walnut Street, Hartford City, IN 47348. Representative: Charles T. Cox (same address as applicant). *Glass containers and fibreboard materials,* (1) between Charlotte, MI on the one hand and on the other points in IL, IN, KY, MI, OH and the St. Louis, MO Commerical Zone and (2) between Gas City, IN on the one hand and on the other points in IL, IN, KY, MI, OH and the St. Louis, MO Commerical Zone, for 180 days. Supporting shipper(s): Owens-Illinois, Inc., 506 S. 1st Street, Gas City, IN. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 147068 (Sub-3TA), filed August 27, 1979. Applicant: ENERGY TRANSPORTERS, INC., 5119 N. 19th Ave., Suite K, Phoenix, AZ 85015. Representative: Andrew V. Baylor, 337 E. Elm, Phoenix, AZ 85012. Contract, *Petroleum products in bulk, in tank vehicles,* from Ciniza and Farmington, NM to points in AZ—representative points are: Clarkdale, Cochise, Curtis, Flagstaff, Paul Spur, Payson, Phoenix, Prescott, San Manuel, Show Low, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bomkamp Petroleum Dist. Inc., 5119 N. 19th Ave., Suite K, Phoenix, AZ 85015. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 147088 (Sub-3TA), filed August 24, 1979. Applicant: DERBY CITY EXPRESS, INC., 728 Upsliner Road, Louisville, KY 40229. Representative: Wm. P. Whitney, Jr., Atty., Suite 708 McClure Bldg., Frankfort, KY 40601. Animal Feed, except in bulk, from the facilities of the Hubbard Milling Co., at Louisville, KY, to Chicago, IL, Burlington, IA, Xenia, OH, and Ft. Wayne, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Robert J. Hohman, Plant Mgr., Hubbard Milling Co., 932 E. Chestnut St., Louisville, KY 40204. Send protests to: Ms. Clara, L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 147538 (Sub-1TA), filed June 7, 1979. Applicant: PARAMOUNT DELIVERY SERVICE, INC., 710 Two Penn Center Plaza, Phila., PA 19102. Representative: Anthony Witlin (same address as applicant). Contract carrier, irregular routes, *containers and related supplies used in the manufacture of soft drinks and beverages,* between Philadelphia, PA and points in the Philadelphia Commerical Zone, on the one hand, and, on the other, points in NJ and MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): 7-UP Bottling Corp., of Phila., 1103 Ridge Pike, Conshohocken, PA. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 147538 (Sub-2TA), filed June 12, 1979. Applicant: PARAMOUNT DELIVERY SERVICE, INC., 710 Two Penn Center Plaza, Phila., PA 19102. Representative: Anthony Witlin (same address as applicant). Contract carrier, irregular routes, *crated and uncrated household appliances and tools and accessories used in the building trades,* between Philadelphia, PA and points in the Philadelphia Commerical Zone, on the one hand, and, on the other, points in NJ, DE, MD, DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sears Roebuck & Co., 4640 Roosevelt Blvd., Phila., PA 19132. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 147558 (Sub-1TA), filed June 25, 1979. Applicant: INLAND TANKER SERVICE LTD., 84 Electronic Ave., Port Moody, B.C., Canada V3H 2S1. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Bulk lignin liquor,* from Bellingham, WA, on the one hand, to the U.S./Canada boundary line in WA, at or near Blaine, Lynden, or Sumas, WA, on the other hand, restricted to traffic moving in foreign commerce, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): MacKenzie & Fiemann, Lt., 970 Malkin Ave., Vancouver, B.C., Canada V6A 2K8. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 147938 (Sub-1TA), filed August 6, 1979. Applicant: D. D. CASKEY, d.b.a. DUTCH'S ENTERPRISES, P.O. Box 67, Centerton, AR 72719. Representative: D. D. Caskey (same as applicant) *Mobile Homes* within 50 mile radius of Centerton (Benton County), AR in the states of AR, OK and MO, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Dave's Mobile Home Sales, P.O Box 276, Siloam Springs, AR 72761 Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 147988 (Sub-1TA), filed August 16, 1979. Applicant: JACKSON H. PARIS, d.b.a. PARIS FREIGHT TERMINAL, 711 West Tyler St., Fairfield, IA 52556. Representative: Thomas E. Leahy, 1980 Financial Center, Des Moines, IA 50309. *Iron and steel articles* from Granite City, IL, to Ottumwa, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Deere Ottumwa Works, Ottumwa, IA 52501. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 148128TA, filed August 21, 1979. Applicant: JIM DUTY TRUCKING, d.b.a. JIMMY W. DUTY, P.O. Box 316, Bloomfield, MO 63825. Representative: (same as above). *Dry bulk fertilizer* from Armorel, AR to points in KY, MO and TN, for 180 days. Supporting shipper(s): Agrico Chemical Company, P.O. Box 3166, Tulsa, OK 74101. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

By the Commission,

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-31341 Filed 10-10-79; 8:45 am]

BILLING CODE 7035-01-M

[S.O. 1344; I.C.C. Order 51; Amdt. 1]

Rerouting Traffic

To: All Railroads:

Upon further consideration of I.C.C. Order No. 51, and good cause appearing therefor:

It is ordered, I.C.C. Order No. 51 is amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This order shall expire at 11:59 p.m., October 5, 1979, unless otherwise modified, changed or suspened.

Effective date. This amendment shall become effective at 11:59 p.m., September 21, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 19, 1979.

Interstate Commerce Commission,

Robert S. Turkington,

Agent.

[FR Doc. 79-31339 Filed 10-10-79; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 35]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

Dated: September 27, 1979.

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 95540 (Sub-1024F) (Republication) filed April 14, 1978, previously noted in **Federal Register** issue of August 3, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802 Representative: Benjy W. Fincher, P.O. Box 1636, Lakeland, FL 33802. A decision of the Commission, Review Board Number 2, decided February 7, 1979, and served March 20, 1979, finds that the present and future public convenience and necessity require operation by applicant, in interstate foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses,* as described in Sections A and C Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), (1) from Fort Smith, AR, Arkansas City, KS, and Memphis, TN, to points in AL, CT, DE, FL, GA, KY, LA, ME, MD, MA, MS, NC, NH, NJ, NY, PA, RI, SC, TN, VA, VT, WV, and the DC, (2) from Wichita, KS, to points in CT, DE, FL, KY, LA, MA, MD, ME, NJ, NH, NY, PA, RI, TN, VA, VT, WV, and the District of Columbia, and (3) from Shreveport, LA, to points in CT, DE, LA, MA, MD, ME, NH, NJ, NY, PA, SC, VA, VT, WV, and the District of Columbia, restricted in (1), (2), and (3) to the transportation of traffic originating at the facilities used by John Morrell & Co., at the named origins and destined to the indicated destinations. Applicant is fit, willing, and able properly to perform this service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to indicate Fort Smith, AR as an origin point in (1) in lieu of Fort Smith, KS, as previously stated in the prior publication.

MC 107727 (Sub-29F) (republication), filed November 7, 1978, and previously published in the **Federal Register** issue of March 27, 1979. Applicant: ALAMO EXPRESS, INC., 6013 Rittiman Plaza, San Antonio, TX 78218. Representative: Damon R. Capps, Suite 1230, Capital National Bank Bldg., 1300 Main Street, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, (A) over irregular routes, transporting *general commodities* (except of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston and San Antonio, TX, points in IN and OH, those in the Lower Peninsula of MI, and those in Jefferson and Mobile Counties, AL, Maricopa and Pima Counties, AZ, Crittenden, Miller, and Pulaski Counties, AR, Alameda, Contra Costa, Los Angeles, Napa, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Stanislaus, Ventura, and Yolo Counties, CA, Adams, Arapahoe, Denver and Jefferson Counties, CO, Broward, Dade, Duval, Escambia, Hillsborough, Leon, Orange, and Pinelass Counties, FL, Cobb, De Kalb, and Fulton Counties, GA, Scott County IA, Cook, Kane, Madison, Peoria, Rock Island, St. Clair, Tazewell, and Will Counties, IL, Boone, Campbell, Kenton, and Jefferson Counties, KY, Johnson and Wyandotte Counties, KS, Greene, Jackson, Jasper, Platte, Clay, and St. Louis Counties, MO, Bernalillo County, NM, Buncombe, Davidson, Durham, Forsyth, Guilford, Mecklenburg, and Wake Counties, NC, Hines and Rankin Counties, MS, Canadian, Cleveland, Grady, Oklahoma, Osage, Pittsburg, and Tulsa Counties, OK, Greenville and Spartanburg Counties, SC, Davidson, Hamilton, Knox, and Shelby Counties, TN, Salt Lake, Tooele, Utah, and Weber Counties, UT, Milwaukee County, WI, and Bossier, Caddo, Jefferson, Orleans, and West Baton Rouge Parishes, LA; and (B) over regular routes, transporting *general commodities*, (a) between San Antonio and Galveston, TX: from San Antonio over Interstate Hwy 10 to Houston, then over Interstate Hwy 45 to Galveston, and return over the same route, serving all intermediate points between Houston and Galveston, and serving the facilities of Western Electric Corporation near Houston as an off-route point; (b) between San Antonio and Laredo, TX: over Interstate Hwy 35, serving all intermediate points, and serving Von Ormy, Lytle, Natalia, Devine, Moore, Pearsall, Derby, Dilley, Cotulla, Artesia Wells, Encinal, TX, and the facilities of Frio-Tex Oil and Gas Company, near Moore, TX as off-route points; (c) between San Antonio and Corpus Christi, TX: over U.S. Hwy 181, serving all intermediate points, and serving the facilities of Susquehanna Western, Inc., and the Conquisto Project, both near Falls City, TX, as off-route points; (d) between San Antonio and Corpus Christi, TX: from San Antonio over U.S. Hwy 281 to junction TX Hwy 9, then over TX Hwy 9 to junction Interstate Hwy 37, then over Interstate Hwy 37 to Corpus Christi, and return over the same route, serving no intermediate points; (e) between San Antonio and Port Lavaca, TX: over U.S. Hwy 87, serving all intermediate points between and including Cuero and Port Lavaca, TX; (f) between Houston and Laredo, TX: over U.S. Hwy 59, serving intermediate points between and including Houston and Fannin, TX, and between and including Freer and Laredo, TX, and serving the Transcontinental Gas Pipe Line Corporation Compressor Station near El Campo, TX, as an off-route point; (g) between Houston and Hungerford, TX: from Houston over U.S. Hwy Alternate 90 to East Bernard, TX, then over TX Hwy 60 to Hungerford, and return over the same route, serving all intermediate points; (h) between Houston, TX, and junction TX Hwy 35 and U.S. Hwy 181, near Gregory: over TX Hwy 35, serving all intermediate points and serving Liverpool, Danbury, Damon, Guy, Needville, Newgulf, Iago, Burr, Boling, Pledger, Danciger, Ashwood, Sweeny, Cedar Lane, Gainsmore, Hawkinsville, Port O'Connor, Sargent, Buckeye, Markham, Danevang, Midfield, Blessing, Francitas, Elmaton, Collegeport, La Ward, Lolita, Vanderbilt, La Salle, Olivia, Bayside, and Austwell, TX, as off-route points; (i) between Houston and Freeport, TX: over TX Hwy 288, serving all intermediate points between and including Angleton and Freeport, TX, and serving Velsaco, Dow, and Quintana, TX, as off-route points; (j) between Galveston, TX, and junction

TX Hwy 6 and U.S. Hwy 59, near Sugar Land: over TX Hwy 6, serving all intermediate points; (k) between Houston and Clute, TX: from Houston over TX Hwy 225 to junction TX Hwy 134, then over TX Hwy 134 to junction TX Hwy 146, then over TX Hwy 146 to junction Interstate Hwy 45, near Texas City, then over Interstate Hwy 45 to Galveston, then over TX Farm Road 3005 to junction unnumbered County Road on Galveston Island, to junction TX Hwy 332, then over TX Hwy 332 to Clute, and return over the same route, serving all intermediate points; (l) between Freeport and West Columbia, TX: over TX Hwy 36, serving all intermediate points; (m) between Bay City and Matagorda, TX: over TX Hwy 60, serving all intermediate points, and serving Lane City, Gulf, and Magnet, TX, as off-route points; (n) between Seadrift and Victoria, TX: over TX Hwy 185, serving all intermediate points; (o) between Cuero and Kenedy, TX: over TX Hwy 72, serving all intermediate points; (p) between Karnes City and Peggy, TX: over TX Farm Road 99, serving all intermediate points, and serving the facilities of Lone Star Production Company and Gulf Oil Company, both near Fashing, TX, as off-route points; (q) between Victoria and Brownsville, TX: over U.S. Hwy 77, serving all intermediate points (except those between Riviera and Raymondville), and serving the Naval Air Station P–4, near Kingsville, as an off-route point; (r) between Skidmore and Laredo, TX: over TX Hwy 359, serving all intermediate points, and serving the facilities of Wyoming Mining & Minerals, near Bruni, TX, as an off-route point; (s) between Corpus Christi and Encinal, TX: over TX Hwy 44, serving all intermediate points; (t) between Freer and Benavides, TX: over TX Hwy 339, serving all intermediate points; (u) between Gonzales and Cuero, TX: over U.S. Hwy 183, serving all intermediate points; (v) between junction TX Hwy 9 and U.S. Hwy 281 near Three Rivers, TX, and Hidalgo, TX: over U.S. Hwy. 281, serving all intermediate points (except those between junction TX Hwy 9 and U.S. Hwy 281 and Alice, TX, and serving the facilities of Trunkline Gas Corp., near Premont, TX, and Clay West Uranium Plant, near George West, TX as off-route points; (w) between Laredo, TX, and junction U.S. Hwys 83 and 77, near San Benito, TX: over U.S. Hwy 83, serving all intermediate points (except those between Laredo and Falcon, TX, and serving Baldridge, Los Ebanos, Carrizelos, Grulla, and Garcia (Garciasville), TX, and the facilities of (i) King Pipe Yard, (ii) Jackson Station of the Valley Pipe Line Co., and (iii) Fordyce Gravel Co., near Mission, TX, as off-route points; (x) between Mission and Harlingen, TX: over TX Hwy 107, serving all intermediate points; (y) between Port Mansfield, TX, and junction U.S. Hwy 281 and TX Hwy 186: over TX Hwy 186, serving all intermediate points between Port Mansfield and Raymondville; (z) between Harlingen, TX, and junction TX Farm Road 1420 and TX Hwy 186 near San Perlita: over TX Farm Road 1420, serving all intermediate points; (aa) between junction TX Farm Roads 106 and 1420, and junction TX Farm Roads 106 and 1847: over TX Farm Road 106, serving all intermediate points; (bb) between Brownsville, TX, and junction TX Farm Roads 1847 and 106: over TX farm Road 1847, serving all intermediate points; (cc) between South Padre Island, TX, and junction TX Hwy 100 and U.S. Hwys 83–77: over TX Hwy 100, serving all intermediate points; (dd) between Brownsville, TX, and junction TX Hwys 48 and 100: over TX Hwy 48, serving all intermediate points; (ee) between Harlingen and McAllen, TX: over U.S. Hwy 83 (Business Route), serving all intermediate points; (ff) between Monte Alto and Santa Maria, TX: from Monte Alto over TX Farm Road 88 to junction U.S. Hwy 281, then over U.S. Hwy 281 to Santa Maria, and return over the same route, serving all intermediate points; (gg) between junction U.S. Hwy 77 and U.S. Hwy 77 (Business Route), near Raymondville, and junction U.S. Hwy 77 and U.S. Hwy 77 (Business Route), near San Benito: over U.S. Hwy 77 (Business Route), serving all intermediate points; (hh) between Lasara, TX, and junction TX Farm Road 490 and U.S. Hwy 77: over TX Farm Road 490, serving all intermediate points; (ii) between Kenedy, TX, and junction TX Hwy 239 and U.S. Hwy 59: from Kenedy over TX Hwy 72 to junction TX Hwy 239, then over TX Hwy 239 to junction U.S. Hwy 59, and return over the same route, serving no intermediate points; (jj) between Port Aransas, TX, and junction TX Hwy 361 and U.S. Hwy 181, near Gregory: over TX Hwy 361, serving all intermediate points; (kk) between San Benito, TX, and junction TX Hwy 345 and TX Farm Road 106, over TX Hwy 345, serving all intermediate points; (ll) between Brownsville and Port Brownsville, TX: from Brownsville over TX Hwy 48 to junction TX Farm Road 1792, then over TX Farm Road 1792 to Port Brownsville, and return over the same route, serving all intermediate points, serving the facilities of Union Carbide Chemical Co., near Port Brownsville, as an off-route point; (mm) between Kingsville, TX and junction TX Hwy 141 and U.S. Hwy 281: over TX Hwy 141, serving all intermediate points, and serving the facilities of the King Ranch Gas Plant of Humble Oil & Refining Co., near Ella, TX, as an off-route point; (nn) between Karnes City and Harmony Community, TX: from Karnes City over TX Hwy 80 to junction TX Farm Road 627, then over TX Farm Road 627 to Harmony Community, and return over the same route, serving all intermediate points; (oo) between Corpus Christi, TX and the United States Naval Air Base, near Flour Bluff, TX: over Ocean Drive, serving all intermediate points; (pp) between Sullivan City and Rio Grande City, TX: from Sullivan City over U.S. Hwy 83 to junction unnumbered county roads, then over unnumbered county roads to Rio Grande City, and return over the same route, serving all intermediate points; (qq) between Harlingen, TX, and the United States Air Corps Gunnery School near Harlingen: over the Rio Hondo Road, serving all intermediate points; (rr) between Mission, TX, and the United States Army Air Base, near Mission, TX: from Mission over TX Hwy 107 to junction Seven Mile Line Road, then over Seven Mile Line Road to junction Palm Drive, then over Palm Drive to the United States Army Air Base, and return over the same route, serving all intermediate points; (ss) between Rio Hondo, TX, and the United States Naval Auxiliary Landing Field, near Rio Hondo: from Rio Hondo over TX Farm Road 106 to junction TX Farm Road 803, then over TX Farm Road 803 to the United States Naval Auxiliary Landing Field, and return over the same route; (tt) between Rosenberg, TX, and junction U.S. Hwy 59 and TX Farm Road 360, near Kendelton: from Rosenberg over TX Hwy 36 to Needville, then over TX Farm Road 360 to junction U.S. Hwy 59, and return over the same route, serving no intermediate points; (uu) between Beeville, TX, and the facilities of Trunkline Gas Corp., near Beeville: over TX Hwy 202; (vv) between junction TX Hwys 9 and 72, near Three Rivers, TX, and the facilities of Susquehanna Western, near Three Rivers: over TX Hwy 72; (ww) between Victoria, TX, and the facilities of the Coleta Creek Power Station of Central Power and Light Company, near Fannin, TX: from Victoria over U.S. Hwy 59 to Fannin, then over TX Farm Road 2987 to the facilities of the Coleta Creek Power Station of Central Power and Light Company, and return over the same route, serving no intermediate points; (xx) between junction TX Hwy 60 and

TX Farm Road 521, near Wadsworth, and junction TX Farm Road 521 and TX Hwy 35; over TX Farm Road 521, serving all intermediate points, and serving the facilities of the South Texas Project, Houston Lighting & Power Company, as an off-route point; (yy) between Bay City, TX, and junction TX Farm Road 2668 and 521; over TX Farm Roads 2668, serving all intermediate points; and (zz) between Corpus Christi and Chapman Ranch, TX; from Corpus Christi over unnumbered county road to junction TX Hwy 286, then over TX Hwy 286 to Chapman Ranch, and return over the same route, serving no intermediate points. Condition: (1) To the extent that the certificate in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from its date of issuance. (2) Issuance of a certificate is conditioned upon receipt of applicant's written request for prior or coincidental cancellation of its certificate of registration in Nos. MC–107727 Subs 15, 20, 21, 22, 23, 24, 25, 26, 27, and 28; and (3) The person or persons who it appears may be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

Notes.—Applicant states that part (B) of this application is to convert its Certificates of Registration in No. MC–107727 Subs 15, 20, 21, 22, 23, 24, 25, 26, 27, and 28 to a certificate of public convenience and necessity. (2) Applicant intends to rely on the issue of rates, and (3) the purpose of this republication is to include Scott County, IA, Clay County, MO, Denver County, CO, Hines and Rankin Counties, MS, and to give notice of applicant's intention to rely on the issue of rates. This application has been designated for oral hearings. A prehearing conference has been set for October 9, 1979 in Washington, D.C.

MC 111231 (Sub-236F) (republication), filed July 24, 1978, previously noticed in the **Federal Register** issue September 19, 1978. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: John C. Everett, P.O. Box A, 140 East Buchanan, Prairie Grove, AR 72753. By the Commission, Review Board Number 2, decided July 26, 1979, and served August 20, 1979, finds that the present and future public convenience and necessity require operation by applicant, as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from St. Louis, MO, and Chicago, IL to points in OK. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to add Chicago, IL as an origin point.

MC 115826 (Sub-325F) (republication), filed June 13, 1978, published in the **Federal Register** issue August 10, 1978, and republished this issue. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colorado 80217. Representative: Howard Gore (same address as applicant). A Decision of the Commission, Review Board number 3, decided July 2, 1979, and served August 14, 1979, finds that the present and future public convenience and necessity require the operations by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes in the transportation of (1) *frozen prepared foods*, and (2) *agricultural commodities*, otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6)(D), when moving in mixed loads with frozen prepared foods, in vehicles equipped with mechanical refrigeration (a) from the facilities of Arctic Cold Storage, at or near Santa Fe Springs, CA, to Erie, PA, Syracuse, NY, and points in Illinois, Kansas, Michigan, Missouri, and Ohio, and (b) from Erie, PA, to Atlanta, GA, Syracuse, NY, and points in Illinois, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, will be consistent with the public interest and the national transportation policy. The purpose of this republication is to modify the territorial description.

MC 129701 (Sub-7F) (republication), filed July 31, 1978, previously noticed in the **Federal Register** issue of September 19, 1978. Applicant: JASPER FURNITURE FORWARDING, INC., P.O. Box 146, Huntingburg, IN 47542. Representative: Orville G. Lynch, P.O. Box 364, Westfield, IN 46074. By the Commission, Review Board Number 1, decided August 16, 1979, and served August 24, 1979, finds that the present and future public convenience and necessity require operation by applicant, as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *phonographs, stereo systems, and stereo components* from the facilities of Soundesign Corp., at or near Santa Claus, IN, to Evansville and Indianapolis, IN, Louisville, Owensboro, and Princeton, KY, Cincinnati, OH, and Chicago, IL, (2) *materials and supplies used in the manufacture of the commodities in (1) above*, in the reverse direction, and (3) *empty containers, trailers, and chassis* between the facilities of Soundesign Corp., at or near Santa Claus, IN, on the one hand, and, on the other, Evansville and Indianapolis, IN, Louisville, Owensboro, and Princeton, KY, Cincinnati, OH, and Chicago, IL restricted in (1), (2), and (3) above to the transportation of traffic having a prior or subsequent movement by rail. Applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to indicate applicant's actual granted authority.

MC 136711 (Sub-32F) (Republication), filed December 12, 1977, previously, noticed in the **Federal Register** issue of February 9, 1978. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 95181, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, Timbergate Office Gardens, 6161 North May Avenue, Suite 200, Oklahoma City, OK 73112. A decision by the Commission, Division 2, Acting as an Appellate Division, decided June 21, 1979, and served June 27, 1979, finds on reconsideration, that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting (1) dried fish residuim form Old Rock, KS to points in AR, LA, MO, OK, and TX, (2) meat and bone meal from Emporia, KS, Dakota City, NE, and Amarillo, TX, to points in AR, CO, KS, LA, MO, NE, NM, OK, and TX; (3) dry rendered tankage between points in AR, CO, LA, MO, NM, OK, TX, NE, and KS, (4) animal and poultry feed and feed ingredients, (a) from Old Rock, KS, to points in AR, LA, MO, OK, and TX and (b) from points in TX to points in AR and LA, restricted in (3) against the Transportation of commodities in bulk, in tank vehicles, between points in AR, and MO, on the one hand, and, on the other, the Kansas City, KS, commercial zone, as defined by the Commission. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to include Mississippi.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority,

or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where this docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 46280 (M1F), notice of filing of petition to delete a restriction, filed July 13, 1979. Joint Petitioners: KEY LINE FREIGHT, INC., 15 Andre St., SE, Grand Rapids, MI 49507. ALVAN MOTOR FREIGHT, INC., 3600 Alvan Rd., Kalamazoo, MI 49001. Representative: John C. Scherbarth, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Petitioner, Key Line, holds *common carrier* authority in MC 46280, served May 16, 1979. MC 46280 authorizes as pertinent, the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), over regular routes, (1) between Grand Rapids, MI, and Big Rapids, MI, serving all intermediate points: From Grand Rapids, over MI Hwy 37 via Newaygo, MI, to White Cloud, MI, then over MI Hwy 20 to Big Rapids, and return over the same route; (2) between Grand Rapids, MI, and Fremont, MI, serving all intermediate points: From Grand Rapids to Newaygo as specified above, then over MI Hwy 82 to Fremont, and return over the same route; (3) between Grand Rapids, MI, and Lansing, MI, serving all intermediate points and the off-route point of Woodland, MI: from Grand Rapids over Interstate Hwy 96 (formerly U.S. Hwy 16) to junction MI Hwy 50, then over MI Hwy 50 to junction MI Hwy 43, then over MI Hwy 43 to Lansing, and return over the same route; (4) between Grand Rapids, MI, and Ludington, MI, serving all intermediate points and the off-route points of Elberta, Frankfort, Arcadia and Onekama: From Grand Rapids over U.S. Hwy 131 to junction unnumbered hwy north of Cadillac, MI, thence over unnumbered hwy via Boon and Harrietta, MI, to Mesick, MI, then over MI Hwy 42 to junction MI Hwy 37, then over MI Hwy 37 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction U.S. Hwy 10, then over U.S. Hwy 10 to Ludington, and return over the same route, restricted in (4) above against service to Manistee and Cadillac, MI; (5) between Scottville, MI, and junction U.S. Hwy 131 and MI Hwy 63, serving all intermediate points: from Scottville over U.S. Hwy 10 to junction MI Hwy 37, then over MI Hwy 37 to junction MI Hwy 63, then over MI Hwy 63 to junction U.S. Hwy 131, and return over the same route, (6) between Big Rapids, MI, and Muskegon, MI, serving all intermediate points: From Big Rapids over MI Hwy 20 via White Cloud, MI, (also from White Cloud over MI Hwy 37 to junction unnumbered hwy north of White Cloud, then over unnumbered hwy to Hesperia, MI, then over MI Hwy 82 to junction MI Hwy 20, then over MI Hwy 20) to Muskegon, and return over the same route, restricted in (1) through (6) above to the following conditions: (1) No service is authorized at Manistee, MI, and Cadillac, MI, and points within their respective commercial zone; and (2) To the extent that the authority authorizes service at points (a) within the area in MI bounded by a line beginning at Muskegon, extending along Interstate Hwy 96 to junction of U.S. Hwy 131, then over U.S. 131 to junction with unnumbered hwy north of Cadillac, then over unnumbered hwy via Boon and Harietta to Mesick, then over MI Hwy 42 to junction MI Hwy 37, then over MI Hwy 37 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction U.S. Hwy 10, then over U.S. Hwy 10 to Ludington, then along the eastern shore of Lake Michigan to Muskegon, including points on the designated Hwys (except Muskegon, Manistee, Cadillac and Grand Rapids and points within their commercial zones), (b) between junction U.S. Hwy 131 and MI Hwy 46, on the one hand, and, on the other, Lakeview, MI, on MI Hwy 46, including all intermediate points, (c) between Big Rapids and Mecosta on MI Hwy 20 including all intermediate points, and (d) Traverse City, MI, and points within its commercial Zone, such service is restricted to the transportation of shipments either originating at or destined to points in OH, IL, IN, and WI. Pursuant to Decision in MC–F–13548, served September 7, 1979, Petitioner, Alvan, will be authorized to operate the above authority when it is consummated.

By this instant joint petition, petitioners seek to delete part (2) of the above stated restriction.

Motor Carrier Operating Rights Applications

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications *will be rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities

of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 53965 (Sub-147F), filed February 21, 1979, previously published in the **Federal Register** issue of June 21, 1979. Applicant: GRAVES TRUCK LINE, INC., P.O. Drawer 1387, Salina, KS 67401. Representative: John E. Jandera, 641 Harrison St., Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneola, KS, and Lubbock, TX: from Minneola over U.S. Hwy 283 to junction U.S. Hwy 60, at or near Arnett, OK, then over U.S. Hwy 60 to Amarillo, TX, then over Interstate Hwy 27 to Lubbock, and return over the same route, serving no intermediate points, serving Amarillo as point of joinder only in connection with applicant's otherwise authorized regular-route operations. (Hearing sits: Lubbock, TX, or Wichita, KS.)

Note.—Applicant intends to tack and join the sought authority with its present authority at Amarillo, TX, and at Minneola, KS for service, inter alia, to points in CO, KS, MO, IA, NE, and OK. The purpose of this republication is to include the tacking information.

Broker, Water Carrier and Freight Forwarder Operating Rights Applications

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestants would use such an authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues of allegations phrased generally, protests not in reasonable compliance with the requirements of the rules may be rejected.

MC 130590F, filed July 16, 1979. Applicant: FRIENDSHIP TOURS, P.O. Box 17382, West Hartford, CT 06117. Representative: Hugh M. Joseloff, 80 State St., Hartford, CT 06103. To engage in operations, in interstate or foreign commerce, as a *broker*, at Avon, West Hartford, Torrington, and Winstead, CT, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in tour carrier in special and charter operations, beginning and ending at points in Hartford and Litchfield Counties, CT, and extending to points in the United States (including AK and HI). (Hearing site: Hartford, CT)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, N.Y.*, 54 M.C.C. 291 (1952).

MC 130591F, filed July 24, 1979. Applicant: KING TRAVEL SERVICE, INC., One Broadway, Norwich, CT 06360. Representative: Inger King (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at Norwich, CT, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in New London, Tolland, Hartford, and Windham Counties, CT, and extending to points in the United States (including AK and HI). Hearing site: Hartford or New Haven, CT.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, N.Y.*, 54 M.C.C. 291 (1952).

Permanent Authority Decisions Decision-Notice Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: September 26, 1979.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below: However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately preceding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the

rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 (a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

MC 1745 (Sub-10F), filed August 6, 1979. Applicant: INTERSTATE VAN LINES, INC., 5801 Rolling Road, West Springfield, VA 22152. Representative: Marshall Kragen, 1835 K Street, N.W., Suite 600, Washington, D.C. 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods*, as defined by the Commission, between points in WA, OR, NV, ID, MT, WY, UT, NM, CO, ND, SD, NE, KS, OK, TX, MN, IA, and MO, on the one hand, and, on the other, points in AL, GA, TN, NC, SC, VA, FL, LA, MS, AR, KY, OH, MI, WV, MD, PA, NY, NJ, DE, IL, IN, CT, MA, DC, NH, RI, VT, and ME. (Hearing site: Washington, DC.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

Permanent Authority Decisions Decision-Notice

Decided: September 26, 1979.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below), and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the apaplication, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (escept those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's

existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

MC 130562F, filed April 25, 1979. Applicant: EVELYN THOMAS d.b.a. GAD-A-BOUT TOURS, RFD NO. 2, Patterson Hill Road, Marcellus, MI 49067. Representative: Robert D. Mollhagen, Bucknell Building, Vicksburg, MI 49097. To engage in operations, in interstate or foreign commerce, as a *broker*, at Marcellus, MI, in arranging for the transportation, by motor vehicle, of *passengers and their baggage* in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in Cass, St. Joseph, Van Buren, Kalamazoo, Berrien, and Allegan Counties, MI, and extending to points in the United States (including AK and HI). Condition: Applicant must file additional evidence with regard to her fitness to perform the proposed operations, including particularly (1) evidence of her ability to conduct these operations in a manner satisfactory to patrons, (2) evidence of applicants good general character, (3) a statement of applicant's willingness to comply with the Commission's regulatory requirements, and (4) evidence of applicant's financial status indicating ability to obtain the required bond. (Hearing site: Lansing, MI).

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York N.Y., 54 M.C.C. 291 (1952).*

MC 130604F, filed August 20, 1979. Applicant: ARROW BUSINESS TOURS INC., 50 East 42 Street, Suite 1801, New York, NY 10017. Representative: Suse H. Nitzschker, (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at New York, NY, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the United States (including AK and HI), restricted to the transportation of passengers having a prior movement by air. NOTE: Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, N.Y.*, 54 M.C.C. 291 (1952). (Hearing site: Washington, DC, or New York, NY.)

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commmerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before November 9, 1979. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

In No. MC-F-13670F, authority to conduct the following operations will be issued in an appropriate document. This decision does not constitute authority to operate. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting: *General Commodities* (except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Hutchinson, KS, and Arlington, KS, serving all intermediate points: From Hutchinson over Kansas Highway 17 to junction unnumbered Highway, thence over unnumbered Highway to Arlington, and return over the same route. *General Commodities* (except those of unusual value, nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Topeka and McPherson, KS, serving the intermediate points of Abilene, Sand Spring, Solomon and Salina, KS, and the off-route points of Seandale and Wabaunsee, KS; From Topeka over U.S. Highway 40 to Salina, thence over U.S. Highway 81 to McPherson, and return over the same route. Between junction U.S. Highway 40 and Highway 43, and Herington, KS, serving the intermediate points of Hope, Navarre, and Enterprise, KS, and the off-route point of Pearl, KS, and serving junction U.S. Highway 40 and Kansas Highway 43 for purposes of joinder only: From junction U.S. Highway 40 and Kansas Highway 43 over Kansas Highway 43 to Hope, KS, thence over Kansas Highway 4 to junction U.S. Highway 77, thence over U.S. Highway 77 to Herington, and return over the same route. Between Wichita, KS, and junction U.S. Highways 56 and 77, 3 miles east of Marion, KS, serving the intermediate point of Peabody, KS, and the off-route points of Kechi, Furley, Whitewater, Elbing and Aulne, KS, and serving junction U.S. Highways 56 and 77 for purposes of joinder only: From Wichita over U.S. Highway 81 to Newton, KS, thence over U.S. Highway 50 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction U.S. Highway 56, 3 miles east of Marion, and return over the same route. Between Wichita, KS, and Hutchinson, KS, over Kansas Highway 96, serving no intermediate points. Between Topeka, KS, and Hutchinson, KS, serving the intermediate points of Medora, Inman, Groveland, McPherson, Marion, Herington, Latimer, White City, Dwight, Alma, and the off-route points of Valencia, Willard, Maple Hill, Vera, Paxico, McFarland, Volland, Alta Vista, Woodbine, Shady Brook, Ramona, Lost Springs, Tampa, Lincolnville, Antelope, Durham, Canton, and Galva, KS, and serving junction U.S. Highway 40 and Kansas Highway 99 and junction U.S. Highways 77 and 56, 3 miles east of Marion for purposes of joinder only. From Topeka, KS, over U.S. Highway 40 to junction Kansas Highway 99, thence over Kansas Highway 99 to junction Kansas Highway 4, thence over Kansas Highway 4 to junction U.S. Highway 77, thence over U.S. 77 to Herington, KS, thence over U.S. Highway 56 to McPherson, thence over Kansas Highway 61 to Hutchinson, and return over the same route. Between Hutchinson, KS, and Pratt, KS, over Kansas Highway 61, serving all intermediate points and the off-route points of Whitesides and Iuka, KS. Between Hutchinson, KS, and Wichita, KS, serving no intermediate points, but serving the off-route points of Yoder, KS, and U.S. Naval Air Station, near Yoder: From Hutchinson over Kansas Highway 17 to junction U.S. Highway 54 and thence over U.S. Highway 54 to Wichita, and return over the same route. Between Wichita, KS, and Dalhart, TX, over U.S. Highway 54, serving no intermediate points between Wichita and Pratt, KS,

but serving Pratt and all intermediate points between Pratt and Dalhart, and the intermediate points of Tyrone, Hooker, and Guyman, OK, and Texhoma, OK–TX, and Stratford and Chamberlin, TX, and the off-route point of Missler, KS. Between Mullinville, KS, and Dodge City, KS, over U.S. Highway 154, serving all intermediate points, and the off-route points of Bucklin, KS, Army Training Field near Dodge City, and Dodge City Airport. Between Minneola, KS, and Dodge City, KS, over U.S. Highway 283, serving all intermediate points. *General Commodities* (except those of unusual value, nitroglycerine, household goods as defined in Practices of Motor Common Carriers of Household, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving the site of the Herington Satellite Air Field, near Herington, KS, as an off-route point in connection with carrier's presently authorized regular-route operations between Herington and Topeka, KS. *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Western Electric Company at or near Goddard, KS, as an off-route point in connection with carrier's authorized regular route operations.

In No. MC 57393 (Sub-No. 7F), authority to conduct the following operations will be issued in an appropriate document. This decision does not constitute authority to operate. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting: (1) *General Commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467 commodities in bulk, and those requiring special equipment), between Norwich, KS, and junction unnumbered county highway and Kansas Highway 42, serving all intermediate points: From Norwich east over Kansas Highway 42 to junction old Kansas Highway 42, 2 miles north of Milton, KS, thence over old Kansas Highway 42 through Anness, KS, to junction new Kansas Highway 42, near Viola, KS, thence over Kansas Highway 42 to Wichita, KS, thence over U.S. Highway 54 to junction unnumbered county highway, 5 miles west of Garden Plain, KS, thence south over said unnumbered county highway to junction Kansas Highway 42, and return over the same route, between junction Kansas Highways 49 and 42, near Viola, KS, and Conway Springs, KS, over Kansas Highway 49, serving all intermediate points. Between junction unnumbered county highways, near Viola, KS, serving all intermediate points: From junction unnumbered county highways, .5 miles north of Viola, thence east 5 miles over unnumbered county highway, thence north 1 mile, thence east 2.5 miles to Clearwater, KS, thence north 4 miles over unnumbered county highway, thence east 3 miles to Bayneville, KS, thence east 1 mile over unnumbered county highway, thence north 2 miles to junction unnumbered county highway, .5 miles west of Oatville, KS, thence east .5 miles to Oatville, thence east 1.5 miles over unnumbered county highway, thence north 4 miles to Wichita, and return over the same route. Between junction unnumbered county highway and Kansas Highway 42 (2 miles north of Milton, KS,) and Milton, KS, over unnumbered county highway, serving all intermediate points. Between junction old Kansas Highway 42 and new Kansas Highway 42 near Milton, KS, and junction old Kansas Highway 42 and new Kansas Highway 42 near Viola, KS, over new Kansas Highway 42, as an alternate route for operating convenience only in connection with carriers regular route operations, serving no intermediate points. Between junction new Kansas Highway 42 and unnumbered county highway and Anness, KS, as an alternate route for operating convenience only, in connection with carriers regular route operations, serving no intermediate points: From junction new Kansas Highway 42 and unnumbered county highway (6 miles east of Norwich) north 1 mile over said unnumbered county highway, thence east ¼ mile, thence north to Anness, and return over the same route. Between junction unnumbered county highway near Bayneville, KS, and Wichita, KS, serving all intermediate points. From junction unnumbered county highways, 1 mile east of Bayneville, east 4 miles over unnumbered county highway to Haysville, KS, thence 7 miles over unnumbered county highway to Wichita, and return over the same route. Serving points within a 9-mile radius of Cheney, KS, Missile Site No. 6–A near Anness, KS; Missile Site No. 13–A near Norwich, KS; Rago, KS, near junction Kansas Highways 14 and 42; The Phillips Petroleum Pipe Line Company Plant near Rago, KS; Missile Site No. 7 near junction Kansas Highways 14 and 42; Adams, KS, on Kansas Highway 42 and 8 miles west of Norwich, KS; and Missile Site H near Conway Springs, KS. (2) *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita, KS, and Wellington, KS, over U.S. Highway 81, serving all intermediate points. Between Wellington, KS, and Ashland, KS, over U.S. Highway 160, serving all intermediate points. Between Harper, KS, and Anthony, KS, over Kansas Highway 14, serving all intermediate points. Between Coldwater, KS, and Buttermilk, KS, over Kansas Highway 1, serving all intermediate points. From Coldwater, KS, to Wichita, KS, as an alternate route for operating convenience only in connection with carriers regular route operations, serving no intermediate points: From Coldwater over Kansas Highway 1 to junction U.S. Highway 54, thence over U.S. Highway 54 to Wichita. Between Wichita, KS, and Caldwell, KS, over U.S. Highway 81, serving all intermediate points: Between South Haven, KS, and Hunnewell, KS, over U.S. Highway 177, serving all intermediate points. From South Haven, KS, to junction Kansas Turnpike (Interstate Highway 35) and U.S. Highway 81, serving all intermediate points: From South Haven, KS, east 5 miles over U.S. Highway 166 to junction unnumbered county highway, thence north 1.5 miles to Portland, KS, thence return over unnumbered county Highway to junction U.S. Highway 166, thence east 4 miles over U.S. Highway 166, thence north 2 miles to Ashton, KS, thence return over unnumbered county highways to U.S. highway 166, thence east 5 miles over junction U.S. Highway 166 to junction unnumbered county highway, thence return over unnumbered county highway to Geuda Springs, KS, thence return over unnumbered county highway junction U.S. Highway 166, thence west over U.S. Highway 66 to junction Kansas Turnpike (Interstate Highway 35) and U.S. Highway 81. Between Ashton, KS, and junction U.S. Highway 160 and Kansas Turnpike (Interstate Highway 35) or U.S. Highway 81, as an alternate route for operating convenience only in connection with carriers regular route operations, serving no intermediate points: From Ashton north 1.5 miles on unnumbered county highway, thence east 5 miles on unnumbered county highway to Geuda Springs, KS, thence .5 miles over unnumbered county highway, thence north 11 miles over unnumbered highway to Oxford, KS, and thence west over U.S. Highway 160 to junction Kansas Turnpike (Interstate Highway

35) or U.S. Highway 81. Between Wellington, KS, and junction unnumbered county highway and U.S. Highway 81, serving all intermediate points. From Wellington south 6 miles over U.S. Highway 81, thence west 6 miles over unnumbered county highway to Perth, KS, thence west 2 miles and south 3 miles over unnumbered county highways to Corbin, KS, thence east 1 mile and south 6.5 miles over unnumbered county highway to junction U.S. Highway 81. Between Wellington, KS, and Caldwell, KS, as an alternate route for operating convenience only in connection with carriers regular route operations, serving no intermediate points. From Wellington over U.S. Highway 160 to junction Kansas Highway 49, and thence over Kansas Highway 49 to Caldwell. Between Caldwell, KS, and Wichita, KS, serving all intermediate points including the Wellington Service Area on Interstate Highway 35 (Kansas Turnpike): From Caldwell over U.S. Highway 81 to South Haven, KS, thence over U.S. Highway 166 to junction Interstate Highway 35 (Kansas Turnpike), thence over Interstate Highway 35 to Wichita, and return over the same route. *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita, KS and Pratt, KS, over U.S. Highway 54, serving all intermediate points and the off-route points of Pratt, Air Force Base (4 miles north of Pratt) Coats, Sawyer, Zenda, Spivey, Nashville, and Isabel, KS. Between Pratt, KS, and Medicine Lodge, KS, over U.S. Highway 281, serving all intermediate points. Between South Haven, KS, and Arkansas City, KS, over U.S. Highway 166, serving all intermediate points. Between Wellington, KS, and Oxford, KS, over U.S. Highway 160, serving all intermediate points. Between Dalton's Corner and junction Kansas Highway 55 and U.S. Highway 81, as an alternate route for operating convenience only, in connection with carriers regular route operations, serving no intermediate points: From Dalton's Corner (4 miles east of Wellington, KS), north over Kansas Highway 53 to Belle Plaine, KS, thence west over Kansas Highway 55 to junction U.S. Highway 81, and return over the same route. *General Commodities* (except those of unusual value, dangerous explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), between Wichita, KS, and Leon, KS, serving all intermediate points and off-route points within a 5-mile radius of said points. From Wichita, KS, over combined U.S. Highway 54 and Kansas Highway 96 via Augusta, KS, to junction Kansas Highway 96, thence over Kansas Highway 96 to Leon, KS, and return over the same route.

MC–F–13691F. Authority to conduct the following operations will be issued in an appropriate document. This decision does not constitute authority to operate. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes transporting: (1) *General commodities* (except those of unusual value, nitroglycerine, HHG as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Griswold, IA, and junction Iowa Highway 48 and U.S. Highway 6, over Iowa Highway 48, serving no intermediate points, but serving the off-route points of Lewis, IA, to be served from U.S. Highway 6: Between junction U.S. Highway 59 and Iowa Highway 92, and junction U.S. Highways 59 and 6, over U.S. Highway 59, serving no intermediate points: Between Atlantic, IA, and Audubon, IA, serving all intermediate points: From Atlantic, IA, and Audubon, IA, serving all intermediate points: From Atlantic over U.S. Highway 6 to junction U.S. Highway 71, then over U.S. Highway 71 to Audubon, and return over the same route. Between Omaha, NE, and Griswold, IA, serving the intermediate points of Council Bluffs, Treynor, and Carson, IA: From Omaha across the Missouri River to Council Bluffs, IA, then over Iowa Highway 92 to Griswold, and return over the same routes. (2) *General commodities* (except those of unusual value, nitroglycerine, HHG as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaiminating to other lading), between Harlan, IA, and Omaha, NE, serving the intermediate points of Corley, Minden, Neola, Underwood, and Weston, IA, and the off-route point of Shelby, IA: From Harlan over U.S. Highway 59 to Avoca, IA, then over Iowa Highway 83 to junction Iowa Highway 64, southeast of Neola, then over Iowa Highway 64 to Council Bluffs, IA, and then across the Missouri River to Omaha, and return over the same route. Between Avoca, IA, and Atlantic, IA, over Iowa Highway 83, serving the intermediate points of Hancock, Walnut and Marne, IA: From Avoca over U.S. Highway 59 to Oakland, IA, then over U.S. Highway 6 to Atlantic, and return over the same route. (3) *General commodities* (except those of unusual value, nitroglycerine, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), between Avoca, IA, and Atlantic, IA, serving the intermediate and off-route points of Hancock, Oakland, Marne, and Walnut, IA; from Avoca over U.S. Highway 59 to junction U.S. Highway 6 to Atlantic, and return over Iowa Highway 83 to Avoca. (4) *General commodities* (except those of unusual value, and except livestock, HHG as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), service is authorized to and from Corley, IA, as an off-route point in connection with said carrier's authorized regular route between Omaha, NE, and Harlan, IA.

MC–F–13946F. Transferee: WARSAW MOVING & STORAGE, INC., Route 15 North, P.O. Box 256, Warsaw, IN 46580. Transferor: FRANK AMODIO MOVING & STORAGE CO., INC., 600 East Street, New Britain, CT 06614. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Avenue, N.W., suite 1200, Washington, DC 20036. Authority sought to purchase by transferee of the operating rights of transfer as set forth and granted under MC–F–12788, as follows: Irregular routes: *Household goods* as defined by the Commission, between Hartford, CT, and points withing ten miles of Hartford, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and New York. Between New Britain, CT, and points in Connecticut within ten miles of New Britain (except Hartford, CT), on the one hand, and, on the other, points in Pennsylvania, New Jersey, and Rhode Island. Between New Britain, CT, and points within ten miles of New Britain, on the one hand, and, on the other, points in Massachusetts and New York. Irregular routes: *Household goods,* between points in Hartford, and Tolland Counties, CT, and Hampden, Hampshire, Franklin, and Worcester Counties, MA, on the one hand, and, on the other, points in Connecticut, New Hampshire, New York, Rhode Island, Vermont, New Jersey, and Pennsylvania. Irregular routes: *Household goods,* as defined by the Commission, between those points in that part of New Jersey south and east of a line beginning at the Atlantic Ocean, extending along Interstate Highway 287 to junction U.S. Highway 202, thence along U.S.

Highway 202 to the New Jersey-Pennsylvania State line, on the one hand, and, on the other, those points in that part of New York north and east of a line beginning at the New York-Massachusetts State line, extending along U.S. Highway 20 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada Boundary line. Between points in Fairfield, Middlesex, and New Haven, CT, on the one hand, and, on the other, points in New Hampshire and Vermont. Between points in Rhode Island, on the one hand, and, on the other, points in Pennsylvania. Between those points in Massachusetts east of Worcester County, on the one hand, and, on the other, points in Pennsylvania. Between points in that part of New York north and east of a line beginning at the New York-Massachusetts State line, extending along U.S. Highway 20 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada Boundary line, on the one hand, and, on the other, points in that part of Pennsylvania south and east of a line beginning at the Pennsylvania-New Jersey State line extending along Interstate Highway 95 to junction Interstate Highway 276, thence along Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line. Between points in Albany County, NY, on the one hand, and, on the other, points in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line extending along Interstate Highway 80 to junction Pennsylvania Highway 36 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. Between those points in Massachusetts east of Worcester County, on the one hand, and, on the other, points in New Jersey. Between points in Connecticut except Windham County, on the one hand, and, on the other, points in Maine. Between points in Connecticut except Fairfield County, on the one hand, and on the other, points in Pennsylvania west of a line beginning at the Pennsylvania-New York State line extending along Pennsylvania Highway 44 to the Susquehanna River, thence along the Susquehanna River to the Pennsylvania-Maryland State line. Between points in Fairfield County, CT, on the one hand, and, on the other, points in Erie and Crawford Counties, PA. Between points in Rhode Island, on the one hand, and, on the other, points in New York. Between points in Massachusetts east of Worcester County, on the one hand, and, on the other, points in New York south of a line beginning at the New York-Massachusetts State line extending along U.S. Highway 20 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 69, thence along New York Highway 69 to junction New York Highway 13, thence along New York Highway 13 to Lake Ontario. Between points in Vermont, on the one hand, and, on the other, points in New Jersey. *In No. MC–83108 (Sub No. 2)*, applicant granted authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes: (1) *Household Goods, as defined by the Commission*, between points and places in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Connecticut, and Pennsylvania, on the one hand, and, on the other, points in Pennsylvania, Rhode Island, New Hampshire, New York, Vermont, New Jersey, Maryland, Delaware, and the District of Columbia. *In No. MC–83108*, applicant granted authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes: (1) *Household Goods, as defined by the Commission*, between New Britain, Connecticut and points in Connecticut within 20 miles thereof, on the one hand, and, on the other, points in Maryland, Pennsylvania, Delaware, New Jersey, New York, Massachusetts, New Hampshire, Rhode Island and the District of Columbia. New Britain, Connecticut and points within 20 miles thereof, on the one hand, and, on the other, points in Vermont and Maine. Application has been filed for temporary authority under section 210a(b) of the Act.

MC–F–14048F. Transferor: PAYNE MOTOR LINES, INC., P.O. Box 1239, Lamoille, NV 89828. TRANSFEREE: D&G TRUCKING, INC., 4420 E. Overland Rd., Meridian, ID 83642. Representative: David E. Wishney, Attorney at Law, P.O. Box 837, Boise, ID 83701. Authority sought for purchase by D & G TRUCKING, INC. of a portion of the operating rights of PAYNE MOTOR LINES, INC. Operating rights sought to be purchased: ICC cert. MC–138273 (Sub No. 3); *Meat Products and Articles Distributed by Meat Packinghouses*, except commodities in bulk, over irregular routes, from facilities of Missouri Beef Packers, Inc., (now Iowa Beef Processors, Inc.), at or near Boise, Idaho, to points in Washington, California, Oregon, Nevada and Utah, with no transportation for compensation on return except as otherwise authorized and restricted to the transportation of traffic originating at the above-named origin facilities and destined to the above named destinations. Approval of the proposed tranaction will not result in vendee acquiring duplicating authority. Approval of the proposed transaction will result in a split of vendor's authority. An application for temporary authority under section 210(a)(b) of the Act has been filed with the Commission. (Hearing site: Boise, ID; Reno, NV.)

Correction: MCF–14089F. In FR Doc. 79–26901 appearing at page 50681 in the issue for Wednesday, August 29, 1979, at the beginning of line twenty-two "MCFC–14089,F" should be changed to "MCF–14089,F," and in column two, line twenty-eight, after "Pittsburgh, PA" should be inserted "and Washington, PA" and in column three, line two, after the sentence ending in the word "authorized" the following should be inserted: *"Edible animal fats, animal oils,* and *vegetable oils,* including *products and blends thereof,* with or without emulsifiers, preservatives, coloring or additives, in packages, and *oleomargarine,* in packages, from the site of the refinery plant of the Shortening, and Edible Oil Division of Armour & Company at or near Bradley, IL, to Pittsburgh, McKees Rocks, Oakdale, Bellevue, Baden, Avalon, and Carnegie, PA, and Youngstown, Akron, and Cuyahoga Falls, OH, with no transportation for compensation on return except as otherwise authorized." And in column three, line twenty-four, at the end of the line add "NJ and NY."

MC–F–14107F. Transferee: NATIONAL OIL & SUPPLY CO., INC., 2345½ W. Kerney, Springfield, MO 65803. Transferor: ELLIS TRANSPORT, INC., 2345½ W. Kerney, Springfield, MO 65803. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65803. Authority sought for merger of Ellis Transport, Inc. into National Oil & Supply Co., Inc., at 2345½ W. Kerney, Springfield, MO 65803, in Docket No. MC–119766, issued August 9, 1960, as follows: Irregular routes: *Petroleum products,* in bulk, in tank vehicles, from Bristow, Clevelend, Cushing, and Tulsa, OK, to points in that part of MO on and south of U.S. Highway 40, with no transportation for compensation on return except as otherwise authorized. From Coffeyville, KS to Aurora, Greenfield, Mansfield, Monett, Springfield, West Plains, and Winona, MO, with no transportation for

compensation on return except as otherwise authorized. Transferee presently holds a permit under its lead Docket MC–13324. Dual operations have been approved in Docket No. MC–145350 F.

MC–F–14141F. Transferee: T.F.S., INC., Box 126, Rural Route 2, Grand Island, NE 68801. Transferor: LTL PERISHABLES, INC., 550 East 50th Street South, South St. Paul, MN 55075. Representatives: Lavery R. Holdeman, Peterson, Bowman & Johanns, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501; Paul Nelson, 550 East 50th Street South, South St. Paul, MN 55075. Authority sought to purchase by T.F.S., INC., Box 126, Rural Route 2, Grand Island, Nebraska 68801, of a portion of the operating rights of LTL Perishables, Inc., 550 East 50th Street South, South St. Paul, MN 55075, of control of such rights through the transaction. Applicants' representatives: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501, and Paul Nelson, 550 East 50th St., South St. Paul, MN 55075. Operating rights, as a *common carrier,* over irregular routes, sought to be transferred: (1) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Whitehall Packing Company, Inc., at or near Whitehall and Eau Claire, WI, to points in CT, DE, IL, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV and DC, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the named origins and destined to the named destinations; (2) *Meat, meat products, meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Whitehall Packing Company, Inc., located at or near Whitehall and Eau Claire, WI, to points in IA, KS, MO, NE, ND and SD, with no transportation for compensation on return except as otherwise authorized; (3)–*(1) Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Termicold, Inc., at or near Bettendorf, IA, to points in ND and CO; and *(2) Foodstuffs and materials, equipment and supplies* used in the processing and packaging of foodstuffs (except commodities in bulk), in vehicles equipped with mechanical refrigeration from points in WA, OR, ID and CA to the facilities of Termicold, Inc. at or near Bettendorf, IA. Restricted to traffic originating in the named states and destined to the facilities of Termicold, Inc., located at or near Bettendorf, IA. T.F.S., Inc. holds authority as a contract carrier conducting operations between various points in the U.S. for the accounts of Oxford Cheese Corporation, Ag Service, Inc., Morgen Manufacturing Co. Bonsail Pool Co., and Endicott Clay Products Co. Application has been filed for temporary authority under Section 210a(b). NOTE: Dual operations may be involved.

MC–F–14151F. Authority sought for control by McGill's Taxi and Bus Lines, Inc., d/b/a Asheboro Coach Co., 151 Sunset Avenue, Asheboro, NC 27203 of Wilson Bus Co., Inc., 314 Alexander Street, Fayetteville, NC 28301, and for acquisition by Clarence M. McGill, 151 Sunset Avenue, Asheboro, NC 27203, of control of Wilson Bus Co., Inc., through the acquisition by McGill's Taxi and Bus Lines, Inc., d/b/a Asheboro Coach Co. Applicant's attorney: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001. Operating rights sought to be controlled: *Passengers and their baggage,* in the same vehicle with passengers, in charter operations, and in special operations in round-trip sightseeing and pleasure tours, beginning and ending in Cumberland, Sampson, Johnston, Wilson, Greene, Bladen, Edgecombe, Harnett, Nash, Pitt, and Wayne Counties, NC, and extending to points in the United States (except AK and HI). Vendee is authorized to operate as a common carrier in all States in the United States (except AK and HI). An application has not been filed for temporary authority under Section 11349 (formerly 210a(b)). Hearing site: Asheboro, NC or Fayetteville, NC.

MC–F–14169F. Parties: FEED TRANSPORTS, INC., P.O. Box 818, Hugoton, KS 67951; REFRIGERATED FOODS, INC., P.O. Box 1018, Denver, CO 80201. Representative: Austin L. Hatchell, 801 Vaughn Bldg., Austin, TX 78701—Ph. 512–476–6083. Authority sought: Approval of the following transaction: FEED TRANSPORTS, INC.—Purchase (Portion)—REFRIGERATED FOODS, INC. The certificate involved is a portion of MC 118207.

MC–F–14164F. Authority sought by McHugh Brothers Heavy Hauling, Inc., McHugh Brothers Crane Rentals, Inc., and Bucks County Construction Company, affiliated companies having a business address of 152 Monroe Avenue, Penndel, PA 19047. Applicant's attorney: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW, Washington, DC 20001. Transferee seeks to acquire all of the operating authority in MC–126034 and subs thereto, pertaining primarily to the transportation of *commodities,* the transportation of which, because of their size and weight, require the use of special equipment, between points and places in NJ, NY, PA, MA, CT, RI, and DE. (Hearing site: Philadelphia, PA.)

MC 14165F. Filed August 10, 1979. Applicants: Computer Assisted Load Matching, Inc., 1616 P Street, NW, Washington, DC 20036; Nelson Freightways, Inc., 47 E Street, E. Rockville, CT 06066; Forbes Refrigerated Transport, Inc., P.O. 7098, Wilson, NC 27893; Fruitbelt Trucking, Inc., 12 Smith Street, St. Catharnes, Ontario, Canada, L2T–3H9; Frozen Food Express, P.O. Box 5888, Dallas, TX 75222; Casket Distributors, Inc., P.O. Box 327, Harrison, OH 45030; Continental Contract Carrier, Inc., 15045 E. Salt Lake Ave., City of Industry, CA 91749; Warren Transport, Inc., P.O. Box 420, Waterloo, IA 50704; and Schilli Motor Lines, P.O. Box 123, Remington, IN 47977. Representative: Harry J. Jordan, Esquire, Suite 502, Solar Building, 1000—16th Street, NW, Washington, DC 20036. Authority sought to pool services under 49 USC 11342 in the transportation of property, in interstate and foreign commerce, from and to points throughout the United States, except Alaska and Hawaii. (Hearing site: Washington, DC.)

MC–F–14166F. Transferee: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Transferors: DAKOTA EXPRESS, INC. and LTL PERISHABLES, INC., 550 East Fifth Street, South St. Paul, MN 55075. Operating rights sought to be purchased: As a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: Irregular routes: Meats, meat products and meat by-products and articles distributed by meat packinghouses, as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766,* (except hides and skins), From Sioux Falls, SD, to points in IL with no transportation for compensation on return except as otherwise authorized. Irregular routes: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A, B & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C.*

209 and 766 (except hides and commodities in bulk, in tank vehicles), from Madison and Sioux Falls, SD, to points in CT, DE, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, WV, VA, and DC, with no transportation for compensation on return except as otherwise authorized. Irregular routes: Animal feed, and meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766,* (except commodities in bulk), From points in KS, MO, and IL (except points in the Chicago, IL Commercial Zone, as defined by the Commission), to ports of entry on the United States-Canada Boundary Line located in Minnesota and North Dakota, with no transportation for compensation on return except as otherwise authorized. Irregular routes: Frozen potatoes and potato products, From Clark, SD, to points in CO, DE, IL, IN, KS, KY, MD, MI, MO, NJ, NY, OH, PA, VA, WV, and DC, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic originating at Clark, SD and destined to the indicated destinations. Irregular routes: Meat, meat products and meat by-products and articles distributed by meat packinghouses, as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), From points in the U.S. (except Alaska, Hawaii, AL, FL, GA, IA, MN, NC, ND, NE, SC, SD, TN, MS, and WI) to ports of entry on the U.S.-Canada Boundary Line located at or near Pembina, ND and Noyes, MN; and From the ports of entry on the U.S.-Canada Boundary line located at or near Pembina, ND and Noyes, MN to points in the U.S. (Except Alaska, Hawaii, AL, FL, GA, IA, MN, NC, ND, NE, SC, SD, TN, MS, and WI). Restriction: The operations authorized herein are restricted to the transportation of foreign commerce only. Irregular routes: Frozen potato products (except in bulk) From Clark, SD to points in CT, ME, MA, NH, NC, RI, SC, TN and VT. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. Irregular routes: Meats, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk) (1) from the facilities of John Morrell & Co., at Sioux Falls, SD, to points in IN, and KY, and (2) From the facilities of John Morrell & Co., at Esterville, IA, to points in IN, KY, MI, and OH, restricted in (1) and (2) above to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. Irregular routes: Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766,* (except commodities in bulk and hides) From the facilities of Iowa Beef Processors, Dakota City, NE and Sioux City, IA to points in MI and OH. Restricted to traffic originating at the facilities of Iowa Beef Processors, Inc., Dakota City, NE and Sioux City, IA and destined to the points in the named states or in foreign commerce. Irregular routes: Frozen potatoes and potato products, (except in bulk), from the facilities of Midwest Foods Corporation located at or near Clark, SD, to Sioux Falls, SD, with no transportation for compensation on return except as otherwise authorized. From the facilities of Midwest Foods Corporation, located at or near Sioux Falls, SD, to points in CO, CT, DE, IL, IN, KS, KY, MD, MA, ME, MI, MO, NH, NJ, NY, OH, PA, RI, VA, WV, VT, and DC, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the facilities of Midwest Foods Corporation located at or near Clark and Sioux Falls, SD, and destined to points in the above-named states. Irregular routes: *Foodstuffs,* (except in bulk), From Duluth, MN and Superior, WI, to points in IL, IN, MI, and OH, with no transportation for compensation on return except as otherwise authorized. Restriction: The service granted above is restricted to the transportation of shipments originating at the facilities of Jeno's, Inc., at or near Duluth, MN and Superior, WI, and destined to points in the above-named destination states. Irregular routes: *Meat, meat by-products* and *articles destributed by meat packinghouses* as described in Sections A & C of Appendix I, to the Report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from E. St. Louis and National Stockyards, IL and St. Louis, MO to points in CT, DE, DC, IN, KY, ME, MD, MA, the Lower Peninsula of MI, NH, NJ, NY, OH, PA, RI, VT, VA, and WV. Restricted to traffic originating at E. St. Louis, and National Stockyards, IL and St. Louis, MO. Irregular routes: Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Chicago, IL to points in MN, ND and SD. Restricted to traffic originating at the named origin points and destined to the named destination points and further restricted against service from the facilities of Couzens Warehouse at Hodgkins, IL. Irregular routes: *Frozen potatoes* and *potato products* from the facilities of International Co-op, at or near Grand Forks, ND to points in CT, DE, IL, IN, KS, KY, ME, MD, MA, MI, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV and DC. Irregular routes: *Meat, meat products,* and *meat by-products* and *articles distributed by meat packinghouses,* as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 611 M.C.C. 209 and 766* (except hides and commodities in bulk), from the facilities of John Morrell & Co., at (a) St. Paul, MN and (b) Sioux City, IA, to points in IL, IN, KY, OH, the Lower Peninsula of MI, WV, VA, MD, DE, NJ, PA, NY, CT, RI, MA, NH, VT,. ME and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. Irregular routes: *Foodstuffs,* (except commodities in bulk) in vehicles equipped with mechanical refrigeration, from Kansas City, MO-KS, to points in AL, FL, GA, IL, IN, KY, NC, OH, SC, TN, and the Lower Peninsula of MI, restricted to the transportation of traffic originating at Kansas City, MO-KS, and destined to points in the named destination states. Irregular routes: (1) *alcoholic beverages,* such commodities as are dealt in by distributors of alcoholic beverages and materials, supplies and equipment used in the sale of alcoholic beverages (except commodities in bulk) from points in CO, CT, DE, DC, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MO, NE, NH, NJ, NY, OH, OK, PA, RI, TN, TX, VT, VA and WV to points in SD and ND; and (2) *malt beverages, advertising materials* and *supplies* (except commodities in bulk), from Milwaukee, WI to points in SD. Restriction: Restricted in (1) and (2) to traffic originating at points in the named states

and in foreign commerce and destined to the facilities of distributors of alcoholic beverages in ND and SD. Irregular routes: *Frozen foods,* (except commodities in bulk), from the facilities used by General Foods Corporation at Albert Lea, Waseca, Mankato, and Fairmont, MN, to points in IL, IN, IA, KS, MI, WI, MO, NE, ND, OH and SD, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. Irregular routes: *Meats, meat products, meat by-products* and *articles distributed by meat packinghouses,* as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), (1) Between Minneapolis, MN on the one hand, and on the other, points in KS, NE, MO, ND, SD, IA, WI, IL, IN, KY, OH, TN, MI, WV, VA, SC, NC, GA, DC, MD, DE, PA, NJ, NY, CT, RI, MA, NH, VT, and ME. Restricted to traffic originating at or destined to the facilities utilized by Goldberger Foods, Inc., Goldberger, Inc., Goldberger International, Inc., Sam Goldberger, Sam Goldberger, Inc., and Sam Goldberger International, Inc., Minneapolis, MN. (2) From Amarillo, TX, Emporia and Wichita, KS, Dakota City, NE, and Sioux City, IA to points in ND, SD, MN, IA, WI, IL, MI, IN, OH, KY, TN, SC, NC, GA, MO, WV, VA, DC, MD, DE, NJ, PA, NY, CT, RI, MA, NH, VT, and ME. Restricted to traffic moving on bills of lading of Goldberger Foods, Inc., Goldberger, Inc., Goldberger International, Inc., Sam Goldberger, Sam Goldberger, Inc., and Sam Goldberger International, Inc., originating at the named origins and destined to points in the named states or in foreign commerce. Irregular routes: Such commodities as are dealt in by retail and wholesale department stores, hardware stores, building material supply centers and home improvement stores, and, in connection therewith, materials and supplies used in the conduct of such business (except foodstuffs and commodities in bulk), (1) From points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, DC, MD, WV, VA, NC, SC, GA, FL, AL, TN, KY, OH, MI, IN, MO, KS, and CO to points in IL, IA, MN, NE, ND, SD and WI. (2) From points in IL, IA and NE, to points in MN, ND, SD and WI. Restricted to traffic originating at points in the named states or in foreign commerce and destined to points in the named states. Irregular routes: (1) *Building materials and supplies* (except commodities in bulk) (a) From the facilities of Alside, Inc., North Hampton Township, OH, to points in WI, IL, MN, MI (Upper Peninsula), IA, ND, SD, NE, MO, and KS. Restricted to traffic originating at the facilities of Alside, Inc., North Hampton Township, OH and destined to points in the named states. (b) From the facilities of Space Vinyl Division, AlumaKing Corp., West Salem, OH to points in WI, IL, MN, MI, (Upper Peninsula), IA, ND, SD, NE, MO and KS. Restricted to the traffic originating at the facilities of Space Division, AlumaKing Corp., West Salem, OH and destined to points in the named states. (2) *Materials and supplies* used in the manufacture of building materials, from Oswego, NY to the facilities of Alside, Inc., North Hampton Township, OH Restricted to traffic originating at Oswego, NY and destined to the facilities of Alside, Inc., North Hampton Township, OH. Irregular routes: (1) *Aluminum, aluminum products, building materials, electric cable,* and *metal powders* (except commodities in bulk, and those the transportation of which because of size or weight requires the use of special equipment) and (2) materials and supplies used in the sale of the commodities in (1) above, from Oswego, NY, Williamsport and Lancaster, PA; Fairmont, WV; Union, Elizabeth, and Woodbridge, NJ; Warren, OH; Bay St. Louis, MS; Tucker, GA, and Pineville, NC, to those points in the United states in and east of ND, SD, NE, CO, OK, and TX. Restricted to the transportation of traffic originating at the facilities of Alcan Aluminum Corporation at the named origins and destined to the indicated destinations. Irregular routes: *Chemicals,* (except in bulk), from Bradford, Eighty Four and Petrolia, PA and the Pittsburgh, PA Commercial Zone, to points in IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, SD, TN and WI; Restricted to traffic originating at the named origins and destined to the named destinations. Irregular routes: *Foodstuffs* (except commodities in bulk), in mechanically refrigerated vehicles from Chicago, IL to points in PA, OH, KY, MI, IN, WI, MN, ND, SD, NE, CO, KS, IA and MO; Restricted to traffic originating at the facilities of Continental Freezers of IL and U.S. Cold Storage, Chicago, IL and destined to points in the named states.

Caption Summary

MC–F–14167F. COOK MOTOR LINES, INC., 1016 Triplett Blvd., P.O. Box 370, Akron, OH 44309—Control and Merger—Y.E.L.P. SERVICE INC., River Road, East Liverpool, OH 43920. Representative: John P. McMahon, George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, OH 43215. Authority sought by COOK MOTOR LINES, INC., 1016 Triplett Blvd., P.O. Box 370, Akron, OH 44309, to control Y.E.L.P. SERVICE, INC., River Road, East Liverpool, OH 43920, through the acquisition of all of its capital stock and to merge the operating rights and properties of Y.E.L.P. SERVICE, INC. with and into COOK MOTOR LINES, INC. at such time or times following consummation as in the discretion of transferee the same can be most efficiently and economically accomplished. Applicants' attorney is John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be controlled authorize the transportation of general commodities (usual exceptions) over described regular routes between Pittsburgh, PA and Youngstown, East Liverpool, Wellsville, Salem, Columbiana, and Salineville, OH, serving specified intermediate and off-route points in PA, WV, and OH, and over irregular routes transporting rolling mill equipment from Avonmore, Pittsburgh, and Midland, PA to a described area in northeastern OH and northern WV; used or scrap rolling mill rolls from northeastern OH and northern WV to Pittsburgh, PA; earthenware from Newell, WV to Akron, OH; and used or scrap rolling mill rolls from points in northeastern OH and northern WV to Avonmore and Midland, PA. Transferee is authorized to transport general commodities (usual exceptions), between points in OH and points in WV over regular and irregular and irregular routes, (Hearing site: Columbus, OH.)

MC–F–14168F. Transferee: EASTERN BUS LINE, INC., RFD #1, Route 85, Bolton, CT 06040. Transferors: THE BLUE LINE, INC., Windham Center, CT 06280 and ROSE A. PEPIN, EXECUTRIX OF THE ESTATE OF RODERICK PEPIN DBA RODDY'S BUS SERVICE, Windham Center, CT 06280. Representatives: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, Robert J. Haggerty, P.O. Box 245, Willimantic, CT 06226. Authority sought for the purchase by the transferee of the operating rights of transferor The Blue Line, Inc. in Certificate No. MC–29935 and MC–29935 (Sub No. 1) issued March 24, 1958 and October 1, 1963 respectively, as follows: *Passengers and their baggage, and express and newspapers, in the same vehicle with passengers,* Between Springfield, MA and New London, CT, serving all intermediate points: From Springfield over MA Hwy 83 to the MA–CT state line, thence over CT Hwy 83 to Somers, CT, thence over CT Hwy 20 to Stafford Springs, CT, thence over CT Hwy 32 to New London, and return over

the same route. From junction CT Hwy 32 and 195 near Merrow, CT, over CT Hwy 195 to junction CT Hwy 89, thence over CT Hwy 89 to junction CT Hwy 32 at or near Willimantic, CT, and return over the same route. The above described authority to transport passengers was issued pursuant to applications filed on or before January 1, 1967, and therefore incidental charter operations in interstate or foreign commerce may be conducted under rules and regulations prescribed by the Commission pursuant to section 208(c) of the Interstate Commerce Act, as amended November 10, 1966. Transferee also seeks authority for the purchase of the operating rights of transferor Rose A. Pepin, Executrix of the Estate of Roderick Pepin, dba Roddy's Bus Service in Certificate No. MC–110546 issued November 18, 1966, as follows: *Passengers and their baggage, in round-trip charter operations,* Beginning and ending at North Windham, CT and points within 10 miles thereof and extending to points in ME, MA, NH, and RI. Transferee presently holds authority from this Commission as a motor carrier of passengers in Docket No. MC–4860 and MC–4860 (Sub No. 1). Application was filed for temporary authority under 49 U.S.C. 11349.

Proposed "Federal Register" Publication

MC–F–14168F. By application filed, EASTERN BUS LINE, INC., RFD #1, Route 85, Bolton, CT 06040 seeks temporary authority to transfer the operating rights of THE BLUE LINE, INC., Windham Center, CT 06280 and ROSE A. PEPIN, EXECUTRIX OF THE ESTATE OF RODERICK PEPIN DBA RODDY'S BUS SERVICE, Windham Center, CT 06280 under 49 U.S.C. 11349. The transfer of EASTERN BUS LINE, INC. of the operating rights of THE BLUE LINE, INC. and ROSE A. PEPIN, EXECUTRIX OF THE ESTATE OF RODERICK PEPIN DBA RODDY'S BUS SERVICE is presently pending.

Transfer Proceedings

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission on or before November 9, 1979. Failure seasonably to file a protests will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularly the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be present cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

Finance Docket No. 29141F filed September 17, 1979. Transferor: U.S. INTERNATIONAL FREIGHT FORWARDERS, INC., (Internal Revenue Service—Successor-In-Interest), 5205 Leesburg Pike, Bailey's Crossroads, VA 22041. Transferee: CONTAINER INTERNATIONAL, INC., 3063 Hartley Road, Jacksonville, FL 32217. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Freight Forwarder Permit No. FF–437, issued June 3, 1974, as follows: Used automobiles, between points in the United States (including Hawaii but excluding Alaska). Restriction: The authority granted above is restricted to the transportation of export-import traffic. Used household goods and unaccompanied baggage, between points in the United States (including Hawaii but excluding Alaska). Transferee holds no authority from the Commission.

MC–FC–78095 (correction) filed April 11, 1979, published in the **Federal Register** issue of September 7, 1979, and republished as corrected this issue. Transferee: FIVE STAR EXPRESS, INC., 935 Grattan St., Chicopee, MA 01020. Transferor: R. LAVOIE TRUCKING CO., INC., (same address). Representatives: David Marshall, 101 State St., Springfield, MA 01103; Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought for purchase by transferee of operating rights held by transferor in Certificate of Registration No. MC 85681 Sub 1, issued January 7, 1964, authorizing general commodities, over irregular routes, between points in Massachusetts. Transferee holds no authority from the Commission. An application for temporary lease authority has not been filed. The purchase of this republication is to indicate the correct rights proposed for transfer.

MC–FC–78117, filed April 26, 1979. Transferee: ARTHUR BRUNDAGE, INC., d.b.a. ONEONTA BUS LINES, 46 Orchard St., Oneonta, NY 13820. Transferor: CRISPELL CHARTER SERVICE, INC., 220 Owego St., Montour Falls, NY 14865. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW, Washington, DC 20005. Authority sought for purchase by transferee of the operating rights of transferor contained in Certificates Nos. MC 107493 and MC 107493 Sub 1, issued November 16, 1959, and November 17, 1959, respectively, authorizing the transportation of passengers and their baggage, between Ithaca, NY, and Brooktondale, NY, over a specified regular route, in No. MC 107493; and passengers and their baggage in round-trip charter operations, from Ithaca, NY, and points in NY and PA within 50 miles of Ithaca, with named exceptions, to points in CT, DE, IL, IN, MD, MA, MI, NH, NJ, NY, NC, OH, PA, SC, TN, VT, VA, and DC, and from Auburn and Syracuse, NY, to Ithaca, NY and return, and passengers and their baggage in special operations on round-trip sightseeing or pleasure tours, from Burdett, NY, to Watkins Glen, NY, and return. Transferee holds authority in MC 89578. Application for temporary authority has been filed.

MC–FC–78104, filed April 18, 1979. Tranferee: EAST COAST TRUCKING & RIGGING, INC., 2415 Mercer Dr., Cocoa, FL. Transferor: FLORIDA TERMINALS & TRUCKING COMPANY, a corporation, P.O. Box 13607, Orlando, FL 32809. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 S. Orange Ave., Orlando, FL 32801. Authority sought for the purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate of Registration MC–96770 (Sub-No. 1), issued November 12, 1963, as follows: *Freight,* of any kind and character, from the Florida East Coast Railway Company's tracks in Brevard County, to the Joint Long Range Proving Grounds and Launching Site, and *heavy machinery* that requires special equipment and cannot be handled by on regular trucks, to, from and between all points and places in Brevard County. *General commodities,* between Cocoa,

FL and Canaveral, FL, over a specified route. Operation as a *heavy hauler*, between all points in Brevard County, FL and from all points in Brevard County to points in Indian River, Osceola, Polk, Hillsborough, Orange, Seminole, Volusia, and Manatee Counties, and return, transporting solely and exclusively heavy machinery, contractor's equipment, poles, boilers, tanks, pipe, and articles to heavy or bulky for regular general commodity carriers to handle with ordinary and usual general commodity trucking equipment, or which require special services not ordinarily performed or offered to the public by regular general commodity carriers. Transferee presently hold no authority from this Commission. Application for temporary authority has not been filed under 49 U.S.C. 11349.

MC–FC–78177, filed: June 5, 1979. Transferee: STEEL DELIVERY, INC., P.O. Box 310, South Main Street, Niles, Ohio 44446. Transferors: OHIO FAST FREIGHT, INC., 1544 North Main Street, P.O. Box 808, Niles, Ohio 44482. SUN EXPRESS, INC., P.O. Box 1831, Warren, Ohio 44482. Applicant's Representative: Michael L. Moushey, Beery & Spurlock Co., L.P.A., 275 East State Street, Columbus, Ohio 43215. Authority sought for purchase by Transferee of a portion of the operating rights of Transferor, Ohio Fast Freight, as set forth in Certificate No. MC–14702 (Sub 17)*, as issued May 21, 1968, as follows: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts*, between points in Cuyahoga (except Cleveland, OH), Summit, Stark, Tuscarawas, Portage, Mahoning, and Trumbull Counties, OH, on the one hand, and, on the other, points in Illinois in the Chicago Illinois Commercial Zone as defined by the Commission. Authority sought for purchase by Transferee of a portion of the operating rights of the Transferor, Ohio Fast Freight, as set forth in Certificate No. MC–14702 (Sub 27), issued October 28, 1970, as follows: *Iron and steel electrical conduit pipe*, from the plant sites of Jones and Laughlin Steel Corporation at Niles, OH, and New Kensington, PA, the plant sites of Triangle Conduit and Cable Company, Inc., at Glendale, WV, and the plant site of H. K. Porter Company, Inc., at Cambridge, PA, to Chicago, IL and its Commercial Zone.

MC–FC–78227, filed July 11, 1979. Transferee: COLLINS, WHOLESALE SUPPLY, INC., 4073 Hooker Rd., Roseburg, OR 97470. Transferor: CARL COLLINS, d.b.a. COLLINS WHOLESALE BUILDING MATERIALS, 4073 Hooker Rd., Roseburg, OR 97470. Applicants' representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204. Authority sought for: the transfer of operating rights as set forth in Certificate No. MC 140592 (Sub. No. 2), issued June 6, 1978, acquired by Collins in MC-FC 77812 which was consummated February 28, 1979, which authorizes the transportation of abrasive grit (Granulated slag) from points in Douglas County, OR to points in CA, OR and WA, with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78243, filed July 30, 1979. Transferee: PENINSULA TRUCK LINES, INC., 6314 7th Avenue South, P.O. Box 80038, Seatle, WA 98108. Transferor: JACK BEST BEATRICE McNUTT, d.b.a. OLYMPIC TRANSPORTATION CO., 306 East State St., Aberdeen, WA 98520. Applicants' representative: Carl A. Jonson, P.S., 300 Central Building, Seattle, Washington, 98104. Authority sought for: (1) the transfer of the operating rights of transferor, as set forth in Certificate No. MC 65723, issued December 8, 1949, to transferee, which authorizes the transportation of general commodities, except those of unusual value, household goods, dangerous explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading from Aberdeen, WA over U.S. Hwy 101 to Forks, WA serving the intermeidate and off-route points of Hequiam, Humptulips, Neilton, Quinault, Queets, Kalaloch, Ewell Ranch, and Clearwater, WA; and from Aberdeen, WA, over U.S. Hwy 101 to junction Washington Highway 90 to Taholah, and return over the same route; and (2) the transfer of the operating rights of transferor as set forth in Certificate No. MC 65723 (Sub 2) which authorizes the transportation of the above-mentioned commodities from Copalis Beach, WA over Washington Highway 90 to junction U.S. Hwy 101, thence over U.S. Hwy 101 to Aberdeen, and return ove the same route, with off-route service to Hoquiam, Tulips, Copalis, Copalis Crossing, and Ocean City, WA. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C 11349.

MC–FC–78265, filed August 20, 1979. Transferee: MARION TRANSPORT, INC., 265 35th St., Marion, IA 52302. Transferor: HILL AND WILLIAMS BROS., INC., 799 44th St., Marion, IA 52302. Representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, IA 52406. Authority sought for the purchase by transferee of a portion of the operating rights of transferor as set forth in Permit No. MC 134752 (Sub-No. 4), issued September 19, 1978, as follows: *Expanded cellular plastic products*, from Marion, IA, to points in AR, CO, ID, IL, IN, KS, KY, MI, MN, MO, MT, NE, ND, OH, OK, PA, SD, TN, WV, WI, and WY. *Equipment materials and supplies* used in the manufacturing of expanded cellular plastic products, from the destinations listed above to Marion, IA, restricted against the transportation of commodities in bulk, in tank vehicles, under continuing contract with Poly Cell Industries, Inc., of Marion, IA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC—FC–78271, filed August 20, 1979. Transferee: ISENHOWER TRANSFER CO., INC., P.O. Box 773, Conover, NC 28613. Transferor: FOUR WINDS VAN LINES, INC., P.O. Box 81985, San Diego, CA 92138. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, DC 20036. Authority sought for the purchase by transferee of the portion of the operating rights of transferor, as set forth in Certificate No. MC 15643, issued May 27, 1949, as follows: *Household goods* as defined by the Commission, between points in NC, on the one hand, and, on the other, points in VA, FL, GA, SC, and TN. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78273, filed August 15, 1979. Transferee: RONALD R. GANDER, 215 Wellesley SE, Albuquerque, NM 87106. Transferor: DAVID L. HALDER, P.O. Box 513, Ojo Caliente, NM 87549. Representative: Roger V. Eaton, P.O. Drawer 965, Albuquerque, NM 87103. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Permit MC 144663 (Sub-No. 2), issued May 18, 1979, as follows: *Gypsum and gypsum products* from Rosario, NM, to Denver, Grand Junction, Loveland, and Colorado Springs, CO, under continuing contract with Western Gypsum Company, of Sante Fe, NM. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78274, filed August 14, 1979. Transferee: WEST WORLD TRANSPORTATION CO., INC., 1415 E. Carson St., Carson, CA 90746.

Transferor: P & G TRANSPORT, INC., 14066 S. Garfield Ave., Paramount, CA 90723. Representative: Fred H. Mackensen, 9454 Wilshire Blvd., Suite 400, Beverly Hills, CA 90212. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Certificates 95838 and MC 95838, (Sub-No. 1), and Certificate of Registration MC 95838 (Sub-No. 3), issued October 24, 1949, July 2, 1952, and April 23, 1964, respectively, to Snyder Transfer Company, Inc. and transferred to transferor herein in MC–FC 77149, by the Commission, Motor Carrier Board, by order dated July 25, 1977, as follows: *Household goods* as defined by the commission, and *new furniture*, between Los Angeles Harbor and Long Beach, CA, on the one hand, and, on the other, Beverly Hills, Glendale, and Los Angeles, CA, *Electric storage batteries and battery cables*, from Los Angeles, CA, to the ports of entry of Wilmington, Oakland and San Francisco, CA, subject to a restriction. *General commodities*, with exceptions, between points in the Los Angeles Basin Territory. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78276, filed August 10, 1979. Transferee: REGENCY LIMOUSINE, INC., 228 Danbury Road, Wilton, CT 06897. Transferor: THOMAS E. SCOTT, JR., d.b.a. HUMPHREY's AUTO LIVERY SERVICE, Lakeside Drive, Ridgefield, CT 06877. Representative: Philip F. Sparton, 322 Main St., Stamford, CT 06901. Authority sought for purchase by transferee of operating rights held by transferor in Certificate No. MC 128665, issued June 19, 1967, authorizing transportation of passengers and their baggage, in charter operations, between points in Fairfield, CT (with exceptions), on the one hand, and, on the other, points in NY, NJ, PA, and MA, with restrictions. Transferee holds no authority from the Commission. An application for temporary lease has not been filed.

Authority sought for purchase by Transferee of a portion of the operating rights of Transferor, Ohio Fast Freight, as set forth in Certificate No. MC 14702 (Sub 59G), issued January 7, 1976, as follows: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts (except commodities requiring special equipment)*, between Chicago, IL, on the one hand, and, on the other, points in West Virginia, points in Ohio east of a line beginning at the Maumee River and extending along U.S. Highway 23 to the Ohio-Kentucky state line, points in Pennsylvania, New Jersey, Virginia, Maryland, and the District of Columbia.

Authority sought for purchase by Transferee of a portion of the operating rights of Transferor, Ohio Fast Freight, as set forth in "E" Letter Notice No. MC 14702 (Sub E–5), as published in the **Federal Register** on June 14, 1974, as follows: *Iron, steel, manufactured iron and steel articles, motors, machinery, machinery parts (except commodities requiring special equipment and commodities in bulk)*, between points in that part of Pennsylvania on and east of U.S. Highway 219, the District of Columbia, New Jersey, and Maryland, on the one hand, and, on the other, points in Illinois, in the Chicago, IL Commercial Zone as defined by the Commission.

Authority sought for purchase by Transferee of a portion of the operating rights of Transferor, Ohio Fast Freight, as set forth in "E" Letter Notice No. MC 14702 (Sub E–6), as published in the **Federal Register** on June 14, 1974, as follows: *Iron, steel, manufactured iron and steel articles, motors, machinery, machinery parts (except commodities requiring special equipment and commodities in bulk)*, between points in Virginia on and east of a line beginning at the Virginia-West Virginia state line, thence south along U.S. Highway 522 to its intersection with U.S. Highway 29, thence along U.S. Highway 29 to its intersection with Virginia Highway 20, thence along Virginia Highway 20 to its intersection with U.S. Highway 460, thence along U.S. Highway 460 to its intersection with Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina state line, on the one hand, and, on the other, points in Illinois, in the Chicago, IL, Commercial Zone as defined by the Commission.

Authority sought for purchase by the Transferee of a portion of the operating rights of Transferor, Ohio Fast Freight, as set forth in "E" Letter Notice No. MC 14702 (E–7), as published in the **Federal Register** on June 14, 1974, as follows: *Iron, steel, manufactured iron and steel articles, motors,machinery, and machinery parts (except commodities requiring special equipment and commodities in bulk)*, between points in Pennsylvania on and west of U.S. Highway 219 (except points in Greene and Washington Counties), on the one hand, and, on the other, points in Illinois in the Chicago, IL, Commercial Zone as defined by the Commission.

Authority sought for purchase by the Transferee of a portion of the operating rights of Transferor, Ohio Fast Freight, as set forth in "E" Letter Notice No. MC 14702 (E–9), as published in the **Federal Register** on June 14, 1974, as follows: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts (except commodities requiring special equipment and commodities in bulk)*, between points in West Virginia east and north of a line beginning at the Ohio-West Virginia State line, thence along West Virginia Highway 20 to its intersection with U.S. Highway 19, thence along U.S. Highway 19 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia state line, on the one hand, and, on the other, points in Illinois, in the Chicago, IL, Commercial Zone as defined by the Commission.

Authority sought for purchase by the Transferee of a portion of the operating rights of Transferor, Ohio Fast Freight, as set forth in "E" Letter Notice No. MC 14702 (E–19), as published in the **Federal Register** on June 14, 1974, as follows: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts (except commodities in bulk)*, between points in Illinois, in the Chicago, IL, Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in Ashtabula, Geauga, Lake, Trumbull, Carroll, Jefferson, Harrison, and Belmont Counties, Ohio. Also, authority sought to purchase a portion of No. MC 14702 (E–8), authorizing iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts (except commodities requiring special equipment and commodities in bulk), between points

Authority sought for purchase by the Transferee of a portion of the operating rights of Transferor, Ohio Fast Freight, as set forth in "E" Letter Notice No. MC 14702 (E–21), as published in the **Federal Register** on June 19, 1974, as follows: *Iron, steel, iron and steel articles, which because of size or weight or nature require the use of flat bottom vehicles, or vehicles with sides not in excess of 36 inches in height*, from points in Illinois, in the Chicago, IL, Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in Armstrong, Clarion, Fayette, Forest, Warren and Westmoreland Counties, Pennsylvania.

Authority sought for purchase by the Transferee of the operating rights of Transferor, Ohio Fast Freight, as set forth in "E" Letter Notice No. MC 14702 (E–42), as published in the **Federal Register** on July 16, 1974, as follows: *Road machinery*, between points in Illinois, in the Chicago, IL, Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in Pennsylvania.

Authority sought for purchase by the Transferee of a portion of the operating rights of Transferor, Sun Express, Inc., as set forth in Certificate No. MC 119531 (Sub 7), as issued on November 3, 1961, as follows: *Machinery*, between Cleveland, OH, on the one hand, and, on the other, points in New Jersey, Pennsylvania, and points in New York within a two hundred (200) mile radius of Newark, New Jersey.

Note.—Transferee holds no other operating authority, either interstate or intrastate. If a hearing is deemed necessary, applicants respectfully request that it be held in either Cleveland or Columbus, Ohio.

Operating Rights Application(s) Directly Related To Finance Proceedings

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

On applications filed before March 1, 1979, an original and one copy of *protests* to the granting of authorities must be filed with the Commission on or before November 9, 1979. Such protests shall conform with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission within 30 days after date of publication. A petition for intervention must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points. Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Verified statements in opposition should not be tendered at this time. A copy of the protest or petition to intervene shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 2860 (Sub-185F), filed August 27, 1979. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Representative: Peter J. Nickles, 888 Sixteenth Street, N.W., Washington, DC 20006. Authority sought to transport, as a common carrier, over irregular routes, general commodities, with the usual exceptions, (1) Between points in NJ, NY, CT, MA, RI, DE, PA, and MD, on the one hand, and, on the other, points in ME, NH and VT; and (2) Between points in Essex, Caroline, King William, Hanover, Goochland, and Henrico Counties, VA, on the one hand, and, on the other, points in NJ, NY, CT, MA, RI, DE, PA, and MD; and (3) Between points in Camden, Atlantic, Gloucester, Salem and Cumberland Counties, NJ, on the one hand, and, on the other, points in ME, NH, and VT; and (4) Between points in NJ, NY, CT, MA, RI, DE, PA, and MD, on the one hand, and, on the other, points in VA and Washington, DC; and (5) Between Lancaster County, VA, on the one hand, and, on the other, points in NJ, NY, CT, MA, RI, DE, PA, and MD; and (6) Between points in King George County, VA, on the one hand, and, on the other, points in NJ, NY, CT, MA, RI, DE, PA, and MD. (Hearing site: Washington, DC.)

Note.—The purpose of this application is to eliminate the gateways at Maryland Highway 50 and Glassboro, Deepwater, Bridgeton and Camden, NJ. This proceeding is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-8) noticed in the **Federal Register** of December 9, 1974, and is directly related to Docket No. MC–F–14084, published in a previous section of this **Federal Register** Notice, and indirectly related to Docket Nos. MC–F–11327 and MC 2860 (Sub-144).

MC 71459 (Sub-No. 72) (M–1) notice of filing of petition for modification of petition filed August 27, 1979, Petitioner: Boss-Linco Lines, Inc., operator of a portion of O.N.C. Freight Systems, Inc., 3909 Genesee Street, Cheektowaga, NY 14225. Petitioners representative, Harold G. Hernly, Jr., 110 South Columbus Street, Alexandria, Virginia 22314. O.N.C. Freight Systems, Inc., is acquiring certain certificated authority, Docket No. MC–71459 (Sub-No. 72) as approved by your Commission to O.N.C. Freight Systems, Inc., from other affiliates of ROCOR International in Docket No. MC–F–12675. Petitioner, Boss-Linco Lines, Inc., in the meantime, has contracted with O.N.C. Freight Systems and ROCOR International to acquire a portion of the authority to be acquired by O.N.C. involving both regular and irregular route general commodity service between a system of regular routes generally extending between Chicago and points within 50 miles thereof, on the west, and Boston and Philadelphia and points intermediate thereto on the east. Boss-Linco Lines, Inc., has made application to your Commission for approval of this transfer including a request to lease this certificate pending final disposition of the permanent transfer proceeding. By the instant petition, as provided for in its agreement with O.N.C. Freight Systems, Inc., for the purpose of such authority, petitioner seeks to amend and enlarge the commodity description set forth above by deleting from the exceptions in those descriptions all references to "commodities moving in mechanically refrigerated equipment". This will enable Boss-Linco to move such commodities by mechanically refrigerated equipment over the routes described which services it presently performs within its own route system; and to modify the service authorized therein to include service at the following intermediate points (1) Cleveland, Ohio; (2) the junction of U.S. Highway 224 and Ohio 14; (3) the junction of U.S. Highway 244 and Interstate Highway 77; (4) the junction of Interstate Highway 80, and, (5) the junction of Interstate Highway 80 and Ohio Highway 14, and (6) the junction of Ohio Highway 10 and Interstate Highway 77. Each of these intermediate points are presently authorized to Boss-Linco under its existing regular route general commodities certificates and will enable O.N.C. under the considered rights and in conjunction with petitioner's authority to perform through operations between Chicago, Illinois and points within 50 miles thereof, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island,

Virginia and West Virginia; and to modify and enlarge certain irregular route authority, of O.N.C. Freight Systems which Boss-Linco is presently operating and seeking to acquire by deleting the reference therein "706–708 West Harrison Street, * * *", thereby allowing carriage between any two points within 50 miles of the city limits of Chicago, Illinois, including Chicago. This matter is directly related to MC–F–14130.

MC 103798 (Sub-30F), January 26, 1979. Applicant: MARTEN TRANSPORT, INC., Route 3, Mondovi, Wisconsin 54755. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought as a common carrier by motor vehicle over irregular routes transporting, *foodstuffs* (except commodities in bulk) from points in WI and the Upper Penninsula of MI to points in ND, SD and points in Osceola, O'Brien, Cherokee, Woodbury, Sioux, Lyon, Monona, and Plymouth Counties, IA, and points in Burt, Cuming, Staton, Madison, Boone, Box Butte, Sioux, Dawes, Cherry, Brown, Rock, Keya Paha, Holt, Knox, Cedar, Dixon, Antelope, Pierce, Wayne, and Thurston Counties, NE. Restriction: Restricted to the transportation of shipments originating in WI or the Upper Penninsula of MI. (Hearing site: St. Paul, MN.)

Note.—This application is directly related to a finance proceeding, MC–F–13858F, published in the May 2, 1979, issue of the **Federal Register**. The purpose of this application is to eliminate the gateway of MN created by the purchase of Ajax Transfer Company.

MC 110424, filed May 22, 1979. Applicant: DAVID BONAGUIDE, d.b.a. MERIDEN TRANSFER AND STORAGE, 81 Colt Avenue, Torrington, CT 06790. Applicant's representative: Sidney L. Goldstein, 109 Church Street, New Haven, CT 06510. *Household goods* as a common carrier over irregular routes, between points in CT on the one hand, and points in CT, NH, MA, RI, NY, PA and NJ, on the other, where distance is 300 miles or less. The purpose of this filing is to eliminate the gateway of Meriden, CT. This application is directly related to transfer application under Section 212(b) filed simultaneously with this application in Docket MC–FC–78156, published in the August 21, 1979, issue of the **Federal Register**. (Hearing site: Hartford or New Haven, CT.)

Motor Carrier Alternate Route Deviations

Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before November 9, 1979.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 56640 (Deviation No. 4), (correction), DELTA LINES, INC., 333 Hegenberger Rd., Oakland, CA 94621, filed August 14, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Las Vegas, NV over Interstate Hwy 15 to junction Interstate Hwy 10 at San Bernardino, CA, then over Interstate Hwy 10 to the Los Angeles Basin Territory, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Las Vegas, NV over US Hwy 91 to junction NV Hwy 16, then over NV Hwy 16 to Pahrump, NV, then over NV Hwy 52 to the NV–CA State line, then over CA Hwy 178 (formerly CA Hwy 52) to Shoshone, CA, then over CA Hwy 127 to Death Valley Junction, CA, then over CA Hwy 190 to Emigrant Junction, CA, then over unnumbered hwy to junction CA Hwy 212 near Trona, CA, then over CA Hwy 212 to junction CA Hwy 14 (formerly US Hwy 6), then over CA Hwy 14 to Freeman, Ca, then over US Hwy 178 to Bakersfield, CA, then over US Hwy 99 to the Los Angeles Basin Territory.

Note.—The purpose of this republication is to complete the service route between Las Vegas and the Los Angeles Basin Territory. Also, the note at the end of the prior caption has been deleted.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 59136, filed September 12, 1979. Applicant: D & R TRANSFER CO., INC., 423 East Miner Avenue, Stockton, CA 95202. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of:

I. General Commodities as follows:

A. Between all points and places in San Francisco Territory as described in Note A hereof, and between all points within ten (10) statute miles of any point therein.

B. Between all points on or within ten (10) statute miles of the following routes:

1. Interstate Highway 80, between Oakland and Sacramento, inclusive;

2. Interstate Highways 580, 205 and 5 between Oakland and Sacrameto, inclusive;

3. State Highway 4 between Interstate Highway 80 and Stockton, inclusive;

4. Insterstate Highway 5 between Trach and its intersection with State Highway 140, inclusive;

5. State Highway 140 between Interstate Highway 5 and Merced, inclusive;

6. State Highway 132 between Insterstate Highway 5 and Modesto, inclusive;

7. State Highway 152 between State Highway 99 and Interstate Highway 5, inclusive;

8. State Highway 99 between Fresno and North Sacramento, inclusive;

9. State Highway 49 between Jackson and Sonora, inclusive;

10. State Highway 88 between Jackson and Stockton, inclusive;

11. State Highway 108 between Sonora and Pinecrest, inclusive;

12. State Highway 120 between Sonora and Manteca, inclusive;

C. Between all points and places described in Paragraph A on the one hand, and all points and places described in Paragraph B, 1 through 12, inclusive, on the other hand.

Except that pursuant to the authority herein granted carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store and institituion furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, briefcases, hat boxes, velises, traveling bags, trucks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).

2. Automobiles, trucks and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), amulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.

3. Lifestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.

4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.

5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.

6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicles.

8. Logs.

In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

San Francisco Territory

San Francisco Territory includes all the City of San Jose and that area embranced by the following bounday: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence casterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its inter section with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Souther Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easternly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascon Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayware; northerly along Foothill Blvd. and MacArthus Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd; notherly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Boardway Terrace; westerly along Boardway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the campus bourndary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, State of California, State Bldg., Civic Center, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

Transportation of Used Household Good in Connection With a Pack-and-Crate Operation on Behalf of the Department of Defense

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of used household goods, for the account of the United States Government, incident to the performance of a pack and crate service on behalf of the Department of Defense under the Direct Procurement Method or the Through Government Bill of Lading Method under the Commission's regulations (49 CFR 1056.40) promulgated in "Pack-and-Crate" operations in Ex Parte No. MC–115, 131 M.C.C. 20 (1978).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before October 31, 1979. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the **Federal Register**, subject to its tariff publication effective date.

HG–24–79 (Special Certificate—Used Household Goods), filed September 20, 1979. Applicant: NILSON VAN & STORAGE, 6913 N. Main St., P.O. Box 3756, Columbia, SC 29230. Representative: Howard A. Nilson, President (address same as applicant). Authority sought: Between points in Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Levy, Marion, Nassau, Putnan, St Johns, and Union counties, FL, and Camden and Charlton counties, GA, and the city of Brunswick, GA, including all surface, air and water terminals therein, serving Issuing Office Naval Supply Center, Charleston, SC, U.S. Naval Air Station, Mayport, FL, and the 7th U.S. Coast Guard District, Miami, FL.

HG–25–79 (Special Certificate—Used Household Goods), filed September 24, 1979. Applicant: ACE VAN & STORAGE CO., INC., 238 North Quince, Escondido, CA 92025. Representative: Leonard J. Pellman, 6750 Federal Blvd., Lemon Grove, CA 92045. Authority sought: Between points in Los Angeles and Orange counties, CA, serving the Naval

Supply Center, San Diego-Long Beach Annex and Marine Corps Air Station, El Toro, CA.

HG–26–79 (Special Certificate—Used Household Goods), filed October 2, 1979. Applicant: ROLLERS VAN AND STORAGE, 860 E 16th St., Tucson, AZ 85719. Representative: John M. Roller (address same as applicant). Authority Sought: Between points in Maricopa, Graham, Santa Cruz, Pima, Yuma, Pinal, and Cochise Counties, AZ, serving Davis Monthan Air Force Base, Tuscon, AZ, and Fort Huachuca, AZ.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–31337 Filed 10–10–79; 8:45]

BILLING CODE 7035–01–M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 198
Thursday, October 11, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-251, Amdt. 4; Oct. 5, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of items from the October 9, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., October 9, 1979.

PLACE: Room 1027—Open, Room 1011—Closed, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

3. Docket 30699, Oakland Service Case (Economic Phase), Opinion and Order (OGC)
8. Dockets 35274 and 35268, World Airways, Inc. Enforcement Proceeding (OGC)

STATUS: 1-17—Open, 18—Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 3 is being deleted because the staff will be unable to complete their coordination of this item in time to give the Board an adequate opportunity to review this case. Item 8 has been scheduled for the Board's October 9 meeting, in anticipation of the possibility that no petition for review of the ALJ's decision would be filed by October 3 deadline, and the initial decision would automatically become final on October 12. In the event, World Airways did file a petition for review on October 3, thereby tolling the effectiveness of the Judge's decision, so that the staff's recommended action in this item has been rendered academic, and need no longer be considered by the Board. Accordingly, the following Members have voted that Items 3 and 8 be deleted from the October 9 agenda and that no earlier announcement of these deletions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-1988-79 Filed 10-9-79 3:46 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., October 19, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1975-79 Filed 10-9-79; 9:54 am]

BILLING CODE 6351-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: Thursday, October 11, 1979, 10 a.m.

LOCATION: Room 802 Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTER TO BE DISCUSSED: Cellulose Insulation Petition, CP 79-11.

The Commission will consider a petition from Diversified Insulation which asks the Commission to amend or extend the effective date of the corrosiveness provisions of the Cellulose Insulation Standard.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Assistant Secretary, Suite 300, 1111-18th St., NW., Washington, D.C. 20207, telephone (202) 634-7700.

[S-1976-79 FW 10-9-79; 1:18pm]

BILLING CODE 6335-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 11:30 a.m. on Friday, October 5, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), concurred in by Director William M. Isaac (Appointive), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a proposed policy statement of the Financial Institutions Examination Council regarding nondiscrimination by Federal financial institutions.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: October 5, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1977-79 Filed 10-9-79; 1:18 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552(e)(2)), notice is hereby given that at 11:45 a.m. on Friday, October 5, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following matters:

Application of Surety National Bank, Los Angeles (P.O. Encino), California, for consent to merge, upon its conversion to a State charter, with California Overseas Capital Co., Inc., a noninsured corporation in organization, and subsequently to merge under the new State charter with California Overseas Bank, Los Angeles, California. Consent was also sought to establish the three offices of California Overseas Bank as branches of the resultant bank which would bear the title "California Overseas Bank," and for consent to redesignate the main office location of the resultant bank to the present site of the main office of California Overseas Bank.

Recommendation with respect to the initiation of cease-and-desist proceedings

against an insured bank. The name and location of the bank are authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Application of Global Union Bank, a proposed new bank, to be located at Wall Street Plaza, New York (Manhattan), New York, for Federal deposit insurance.

The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street N.W., Washington, D.C.

On motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), the Board of Directors determined that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act."

Dated: October 5, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1978–79 Filed 10–9–79; 1:18 pm]

BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, October 15, 1979, to consider the following matters:

Disposition of minutes of previous meetings.

Requests by the Comptroller of the Currency for reports on the competitive factors involved in proposed mergers:

The First National Exchange Bank of Virginia, Roanoke County (P.O. Roanoke), Virginia, under its charter and title, with Eagle Rock Bank, Inc., Eagle Rock, Virginia.

First & Merchants National Bank, Richmond, Virginia, under its charter and title, with The Services National Bank, Arlington County, Virginia.

Memorandum and Resolution re: Amendments to Section 329.4(f) of FDIC's regulations respecting disclosure of withdrawal penalties.

Memorandum and Resolution with regard to the power and authority of senior staff members of the Franklin National Bank, New York, New York, liquidation staff.

Memorandum proposing the payment of a second dividend in connection with the receivership of Watkins Banking Company, Faunsdale, Alabama.

Memorandum proposing the payment of a first dividend in connection with the receivership of Village Bank, Pueblo West, Colorado.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the liquidation of First State Bank of Northern California, San Leandro, California.

Schall, Boudreau & Gore, San Diego, California, in connection with the receivership of United States National Bank, San Diego, California. (Three Memorandums)

Trager and Trager, Fairfield, Connecticut, in connection with the liquidation of The Monroe Bank and Trust Company, Monroe, Connecticut.

Chapman and Cutler, Chicago, Illinois, in connection with the liquidation of The Drovers' National Bank of Chicago, Chicago, Illinois.

Chapman and Cutler, Chicago, Illinois, in connection with the liquidation of State Bank of Clearing, Chicago, Illinois.

Sidley & Austin, Chicago, Illinois, in connection with the liquidation of The Drovers' National Bank of Chicago, Chicago, Illinois. (Two Memorandums)

Parsons, Canzona, Blair & Warren, Red Bank, New Jersey, in connection with the liquidation of The Bank of Bloomfield, Bloomfield, New Jersey.

Vinson & Elkins, Houston, Texas, in connection with the liquidation of International City Bank and Trust Company, New Orleans, Louisiana.

Casey, Lane & Mittendorf, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Kaye, Scholer, Fierman, Hays & Handler New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Squire, Sanders & Dempsey, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.

Bass, Berry & Sims, Nashville, Tennessee, in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Sutherland, Asbill & Brennan, Atlanta, Georgia, in connection with the liquidation of The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Meredith, Donnell & Edmonds, Corpus Christi, Texas, in connection with the liquidation of the liquidation of Northeast Bank of Houston, Houston, Texas.

Meredith, Donnell & Edmonds, Corpus Christi, Texas, in connection with the liquidation of First State Bank & Trust Co., Rio Grande City, Texas.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding his transmittal of "no significant effect" competitive factor reports.

Report of the Controller regarding the Corporation's securities portfolio inventory as of August 31, 1979.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: October 5, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1979–79 Filed 10–9–79; 1:18 pm]

BILLING CODE 6714–01–M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, October 15, 1979, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552 (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Madera Valley Bank, a proposed new bank, to be located at 324 Yosemite Avenue, Madera, California, for Federal deposit insurance.

Pioneer Bank, a propsed new bank, to be located at 730 Main Street, Billings, Montana, for Federal deposit insurance.

United Orient Bank, a proposed new bank, to be located at 10 Chatham Square, New York, New York, for Federal deposit insurance.

The Colony Bank, a proposed new bank, to be located at 5200 Paige Road, The Colony, Texas, for Federal deposit insurance.

Liberty City State Bank, a proposed new bank, to be located at the northeast corner of the intersection of F.M. 1252 and F.M. 3054, Liberty City, Texas, for Federal deposit insurance.

Application for consent to establish a branch:

Hudson City Savings Bank, Jersey City, New Jersey, for consent to establish a branch at the Randolph Shopping Center, Route 10, Center Grove and Quaker Church Roads, Randolph Township, New Jersey.

Applications for consent to merge and establish branches:

Central Bank, Oakland, California, an insured State nonmember bank, for consent to merge with First National Bank of Fresno, Fresno, California, Tahoe National Bank, South Lake Tahoe, California, and Valley Bank, National Association, Livermore, California, under the charter and title of Central Bank, and to establish the twelve offices of the three banks being acquired as branches of the resultant bank.

Southeast First Bank of Jacksonville, Jacksonville, Florida, an insured State nonmember bank, for consent to merge with Southeast Bank of Edgewood, Jacksonville, Florida, a State member bank, and Sourtheast First National Beach Bank, Jacksonville Beach, Florida, under the charter of Southeast First Bank of Jacksonville and with the title Southeast Bank of Jacksonville, and to establish the sole office of each of the two banks being acquired as branches of the resultant bank.

Application for consent to relocate main office:

Bank of Winter Park, Winter Park, Colorado, for consent to move its main office from 78967 U.S. Highway 40 to 78515 U.S. Highway 40, both locations with Winter Park, Colorado.

Application for consent to move a branch:

The Howard Savings Bank, Newark, New Jersey, for consent to move its approved but unopened branch office from the A&P Shopping Center at Route 71 and Snyder Avenue to 2401 Highway 71, both addresses within Spring Lake Heights, Monmouth County, New Jersey.

Request for an extension of time in which to fulfill a capital condition in connection with the establishment of a branch:

First Enterprise Bank, Oakland, California.

Requests pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of trust a director, officer, or employee of an insured bank:

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552(b)(6)).

Recommendations regarding the liquidation of a bank assets acquired by the Corporation in its capacity as receiver, liquidatory, or liquidating agent of those assets:

Case No. 44,060-SR—Sharpstown State Bank, Houston, Texas.

Case No. 44,063-L—First State Bank of Northern California, San Leandro, California.

Case No. 44,078-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Memorandum re: The Hamilton Bank and Trust Company, Atlanta, Georgia.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Memorandum and Resolution re: Delinquent Bank Reports.

Memorandum and Resolution re: By 1979 Staffing Table Adjustment, Office of the Controller, Accounting Branch.

Memorandum re: Summary Audity date June 15, 1979.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle R. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: October 5, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1980-79 Filed 10-9-79; 1:18 pm]

BILLING CODE 6714-01-M

8

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, October 16, 1979 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance and personnel.

DATE AND TIME: Thursday, October 18, 1979 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory opinion 1979-48 (Draft) James S. Eastham (Rexnord Inc. PAC).
Budget execution report.
Appropriations and budget.
Reports on financial activity—primary matching fund (continued).
Future referrals to OGC from RAD.
1980 Elections and related matters.
Consultant's report on audit process (continued).
Ernst & Whinney consultant's report on statistical sampling—certification process.
Pending legislation.
Classification actions.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-1983-79 Filed 10-9-79; 3:17 pm]

BILLING CODE 6715-01-M

9

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, FR Page 57295, October 4, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., October 11, 1979.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling (202-377-6677).

CHANGES IN THE MEETING: The following items were added to the agenda for the open meeting.

Policy Statement on Discrimination
Post-Approval Amendment to its Application for Permission to Convert From Mutual to Stock Form—East-West Federal Savings and Loan Association, Los Angeles, California
Post-Approval Amendment to its Application for Permission to Convert From Mutual to Stock Form—Valley First Federal Savings and Loan Association, El Centro, California
Regulation on Real Property Transactions With Affiliated Persons
Regulation on Collateralization of Bank Advances

No. 277, October 10, 1979.

[S-1984-79 Filed 10-9-79; 3:17 pm]

BILLING CODE 6720-01-M

10

FEDERAL MARITIME COMMISSION.

TIME AND DATE: October 16, 1979, 10 a.m.

PLACE: Hearing Room One—1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Report covering bunker surcharges submitted pursuant to Domestic Circular Letter No. 1–79.
2. All-Freight Packers & Forwarders Inc.—Application for independent ocean freight forwarder license.
3. Special Docket No. 668: Application of Maersk Line Agency for the Benefit of Mitsui & Company—Review of initial decision.
4. Docket No. 76–63: Filing of Agreements by Common Carriers and Other Persons; Supporting Statements and Evidence—Consideration of comments submitted on proposed rules.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S–1986–79 Filed 10–9–79; 3:44 pm]

BILLING CODE 6730–01–M

11

FEDERAL RESERVE SYSTEM: (Committee on Employee Benefits of the Board of Governors).

TIME AND DATE: 12 noon, Wednesday, October 17, 1979.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals on internal personnel procedures relating to the System's employee benefits program:

(a) proposed pension supplement to the Retirement Plan;
(b) proposed amendments to the Long-Term Disability Income Plan;
(c) proposed amendment to the Life and Survivor Income Insurance Plan; and
(d) consideration of annuity purchases under the Retirement Plan.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Theodore E. Allison, Secretary of the Board; (202) 452–3257.

[S–1987–79 Filed 10–9–79; 3:44 pm]

BILLING CODE 6210–01–M

12

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, October 18, 1979. [NM–79–36]

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Discussion* of Board policy re determination of probable cause.
2. *Review* of Special Studies approved by the Board.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–472–6022.

October 9, 1979.

[S–1985–79 Filed 10–9–79; 3:44 pm]

BILLING CODE 4910–58–M

13

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: October 10 (Changes) and October 11, 1979.

PLACE: Commissioners' Conference Room, 1717 H St. N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Wednesday, October 10, 9:30 a.m., (Revised)

1. Discussion of Petitions Seeking Leave To Intervene in a Hearing on Philippine Applications (approximately 1½ hours, public meeting, as announced).
2. Affirmation Session (approximately 10 minutes, public meeting): a. ALAB–531 (Trojan) (as announced).
1. Discussion of Radioactively Contaminated Water at TMI and Related Subjects (continued from 10/4/79) (approximately 1 hour, public meeting, additional item).
2. Discussion of Legal Aspects of Use of EPICOR–II at TMI (Approximately 1½ hours, closed—Ex. 10) (additional item).
3. Discussion of Personnel Matter (approximately 1 hour, closed—Ex. 6) (as announced).

Thursday, October 11, 9:30 a.m.

1. Discussion of Commission's Decision-Making Role in Emergency Response (approximately 1½ hrs, public meeting).
2. Continuation of Discussion of Procedures for Commission Review of License Applications (continued from 10/4) (approximately 1 hour, public meeting).

ADDITIONAL INFORMATION:

During the Affirmation Session on October 4, the following changes were made:

a. UCS Petition—Postponed,
b. Export of Minor Quantities of Nuclear Material—Postponed,
c. Boston Edison Petition—Postponed,
d. Connor FOIA Appeal—As Announced,
e. Review of ALAB–531—Postponed to 10/10,
f. Amendment to Part 71—As Announced,
g. Waiver Under Section 145b for Employment—Additional Item.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Walter Magee,
Office of the Secretary.

[S–1981–79 Filed 10–9–79; 1:18 pm]

BILLING CODE 7590–01–M

14

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: October 15 and 16, 1979.

PLACE: Commissioners' Conference Room, 1717 H St., NW, Washington, DC.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Monday, October 15, 1:30 p.m.

1. Briefing on Siting Policy Task Force Report (approximately 1½ hours, public meeting).
2. Discussion of Improving Commission Procedures and "Full Access" Provision (approximately 1½ hours, public meeting).

Tuesday, October 16, 9:30 a.m.

Briefing on TMI Lessons Learned Task Force Report (approximately 2 hours, public meeting).

Tuesday, October 16, 1:30 p.m.

1. Briefing on Revision to the Operating Assumption Covering the Relative Ease of Fabricating Clandestine Fission Explosives (approximately 1½ hours, closed—Ex. 1).
2. Discussion of Personnel Matter (approximately 1½ hours, closed—Ex. 6).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, 202–634–1410.

Walter Magee,
Office of the Secretary.

[S–1982–79 Filed 10–9–79; 1:18 pm]

BILLING CODE 7590–01–M

federal register

Thursday,
October 11, 1979

Part II

Department of the Interior

Fish and Wildlife Service

Purple-Spined Hedgehog Cactus, Wright Fishhook Cactus, and *Sclerocactus glaucus*; Determination as Endangered Threatened Species

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination That the Purple-Spined Hedgehog Cactus and Wright Fishhook Cactus Are Endangered Species

AGENCY: Fish and Wildlife Service, Interior

ACTION: Final rule.

SUMMARY: The Service determines that the purple-spined hedgehog cactus (*Echinocereus engelmannii* var. *purpureus*) and Wright fishhook cactus (*Sclerocactus wrightiae*) are endangered species pursuant to the Endangered Species Act of 1973, as amended. Both of these taxa are confined to very restricted areas in Utah and are threatened by habitat disruption and modification. In addition, both are eagerly sought by collectors for horticultural purposes to the extent that they have experienced declines. Listing them will provide the protection afforded by the Act as well as mechanisms to assist in management and recovery of surviving populations.

EFFECTIVE DATE: This rulemaking becomes effective on October 11, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 703/235–2771.

SUPPLEMENTARY INFORMATION:

Background

The Secretary of the Smithsonian Institution, in response to Section 12 of the Endangered Species Act of 1973, submitted a report (House Document No. 94–51) to Congress on January 9, 1975, in which were listed over 3,100 U.S. vascular plants considered by the Smithsonian as endangered, threatened or extinct. On July 1, 1975, the Director of the Service published a notice in the **Federal Register** (40 FR 27823–27924) of his acceptance of the Smithsonian's report as a petition under Section 4(c)(2) of the Act, and of his intention thereby to review their status for possible listing.

On June 16, 1976, the Service published a proposed rulemaking in the **Federal Register** (41 FR 24523–24572) to determine approximately 1,700 vascular plants as endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the above mentioned **Federal Register** notice. Both the purple-spined hedgehog cactus and Wright fishhook cactus were included in the July 1, 1975 notice and the June 16, 1976 proposal. A public hearing on the June 16, 1976 proposal was held on July 22 1976 in El Segundo, California.

In the **Federal Register** of June 24, 1977 (42 FR 32373–32381), the Service published a final rule detailing the permit regulations to protect endangered and threatened plant species. These rules establish certain prohibitions and a permit procedure to grant exceptions to the prohibitions under certain circumstances.

Note.—The Department has determined that this listing does not meet the criteria for significance in the Department regulations implementing Executive Order 12044 (43 CFR Part 14) or require the preparation of a regulatory analysis.

Summary of Comments and Recommmendations

In keeping with the intent of Section 4(b)(1)(c) of the Act, a summary of all comments and recommendations received are published in the **Federal Register** prior to adding any species to the list of Endangered and Threatened Wildlife and Plants.

Hundreds of comments on the general proposal of June 16, 1976, were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered and Threatened plants and their protection and regulation. These comments are summarized in the April 26, 1978, **Federal Register** publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909–17916). Some of these comments had addressed the conservation of cacti. One comment was received specifically pertaining to the purple-spined hedgehog cactus and to Wright fishhook cactus. In a letter dated February 17, 1977, Dr. Lyman Benson of Pomona College commented that all species of *Sclerocacutus* are rare and known from only a few localities and that the species is really endangered. He had described the fishhook cactus as a new species in 1966. He also indicated that the hedgehog cactus is really endangered. He had described this variety in 1969. The Governor of Utah was informed of the contemplated action on these two taxa, but submitted no comments or recommendations concerning the proposal to list them.

Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Echinocereus engelmannii* (Parry) Lamaire var. *purpureus* L. Benson (purple-spined hedgehog cactus) and *Sclerocactus wrightiae* L. Benson (Wright fishhook cactus; synonym: *Pediocactus wrightiae*) are in danger of becoming extinct throughout all or a significant portion of their ranges due to one or more of the factors described in Section 4(a) of the Act.

These factors, and their application to the purple-spined hedgehog cactus and Wright fishhook cactus are as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.*

Purple-spined hedgehog cactus.—This cactus is known only from the type locality, Mojave Desert, north of St. George, Washington County, Utah, at an elevation of 2,900 feet. There is only a single population of the plant and the number of individuals comprising the population, although small, is not precisely known. Urban sprawl from the city of St. George has greatly reduced the amount of habitat available in the area and this urban sprawl shows no sign of decreasing in the future. One authority reports that at present the "habitat is subject to trampling of every kind." Off-road vehicle activity is one example of this kind of threat.

Wright fishhook cactus.—This species has been found at the type locality near San Rafael Ridge, Navajoan Desert, Emery County, Utah, at an elevation of 5,000 feet. It also is known to occur in Wayne County, Utah, in the vicinity of the Fremont River. In these regions, there are five populations which are scattered, but nowhere is the plant abundant. The land on which populations are known to occur are under the jurisdiction of the Bureau of Land Management, or are State-owned, and are subject to exploration for mineral resources. Such exploration often involves the use of off-road vehicles which can destroy the individual plants themselves and are detrimental to the necessary habitat for the species. Also, one of the proposed sites for the Intermountain Power Project generating station involves one of the localities of this species.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.*

Purple-spined hedgehog cactus.—Many taxa in *Echinocereus* are popular horticultural plants and widely sought by professional and amateur cactus growers; such cactus fanciers will often

go to extreme lengths to obtain specimens for sale or for their personal collections. The purple-spined hedgehog cactus, being very rare, and highly endemic, has been, and will continue to be, a particular prize among collectors and therefore is very threatened by unregulated commercial trade in specimens of wild origin.

Wright fishhook cactus.—One of the major factors in the decline of this species at present is field collection by amateur and professional cactus fanciers for commercial and hobby purposes. These fanciers could quickly reduce known populations if protective measures are not instituted.

(3) *Disease and predation* (including grazing). Not applicable to either species.

(4) *The inadequacy of existing regulatory mechanisms.* There are no laws in the State of Utah which afford protection to these species. All native cacti are on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. However, this Convention only regulates export of the species, and therefore, does not help regarding internal trade in the cacti, or habitat destruction. Bureau of Land Management regulations (43 CFR 6010.2) offer some protection to vegetative resources, but do not address Wright fishhook cactus directly, and they are difficult to enforce.

(5) *Other natural or man-made factors affecting its continued existence.* Both of these cacti are extremely limited in range. The purple-spined hedgehog cactus is known from only a single population at the type locality; Wright fishhook cactus occurs at two localities and only five populations are known. Thus, both are extremely vulnerable to any sort of disturbance and could be completely extirpated by even the most trivial mishap.

Effect of the Rulemaking

Section 7(a) of the Act as amended in 1978 provides:

> The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section.

Provisions for Interagency Cooperation were published on January 4, 1978, in the **Federal Register** (43 FR 870–876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7 of the Act. This rulemaking requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this species. New rules implementing the 1978 Amendments to Section 7 of the Act are being prepared now by the Service.

Endangered and Threatened species regulations in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all such species. The principal regulations which pertain to Endangered plant species are found at §§ 17.61–17.63 (42 FR 32378–32381) and are summarized below.

All provisions of Section 9(a)(2) of the Act, as implemented by § 17.61, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, or to deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of a commercial activity, or to sell or offer for sale in interstate or foreign commerce, these plants. Certain exceptions would apply to agents of the Service and State conservation agencies.

Section 10 of the Act and regulations published in the **Federal Register** of June 24, 1977 (42 FR 32373–32381, 50 CFR Part 17) also provide for the issuance of permits under certain circumstances to carry out otherwise prohibited activities involving Endangered plants, such as trade in specimens of cultivated origin.

Effect Internationally

In addition to the protection provided by the Act, all native cacti are on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which requires a permit for export of the species. The Service will review these two taxa to determine whether they should be considered under the Convention on Native Protection and Wildlife Preservation in the Western Hemisphere or other appropriate international agreements.

National Environmental Policy Act

An Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Critical Habitat

The Endangered Species Act Amendments of 1978 specify that the following be added at the end of subsection 4(a)(1) of the Endangered Species Act of 1973:

> At the time any such regulation [to determine a species to be an Endangered or Threatened species] is proposed, the Secretary shall also by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat.

The purple-spined hedgehog cactus and Wright fishhook cactus both are severely threatened by taking, an activity not directly prohibited by the Endangered Species Act of 1973. Publication of critical habitat maps would make these species more vulnerable and therefore it would not be prudent to determine critical habitat for either of them. The enforcement burden for the Bureau of Land Management would increase if locales of Wright fishhook cactus were more generally publicized.

Echinocereus engelmannii var. *purpureus* and *Sclerocactus wrightiae* were proposed for listing as endangered species on June 16, 1976 (41 FR 24536). Since it has been determined to be imprudent to designate critical habitat for these taxa at this time and all other listing requirements of the Act have been satisfied, the Service now proceeds with this final rulemaking to determine these species to be endangered under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; 87 Stat. 884).

The primary authors of this rule are John L. Paradiso and Bruce MacBryde, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975). The status reports used as major sources in support of this listing were prepared by Dr. Stanley L. Welsh, Brigham Young University, Provo, Utah.

Regulation Promulgation

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of

Federal Regulations is amended as follows:

1. Section 17.12 is amended by adding, in alphabetical order by family, genus, and species, the following plants:

§ 17.12 **Endangered and threatened plants.**

* * * * *

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion of range where threatened or endangered			
Cactaceae, Cactus family:						
Echinocereus engelmannii var. *purpureus.*	Purple-spined hedgehog cactus.	U.S.A. (UT)	Entire	E		NA
Sclerocactus wrightiae	Wright fishhook cactus	U.S.A. (UT)	Entire	E		NA

Dated: October 3, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-31315 Filed 10-10-79; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination That Sclerocactus glaucus is a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The service determines *Sclerocactus glaucus* (Uinta Basin hookless cactus) to be a Threatened species. This plant occurs in Utah and Colorado. *Sclerocactus glaucus* is being commercially exploited by nurserymen and private collectors. Approximately 15,000 individuals are found on eight sites. A determination that *Sclerocactus glaucus* is a Threatened species implements the protection provided by the Endangered Species Act of 1973 as amended.

EFFECTIVE DATE: This rulemaking becomes effective on November 13, 1979.

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

SUPPLEMENTARY INFORMATION:

Background

The Secretary of the Smithsonian Institution, in response to Section 12 of the Endangered Species Act, presented his report on plant species to Congress on January 9, 1975. This report, designated as House Document No. 94-51, contained lists of over 3,100 U.S. vascular plant taxa considered to be endangered, threatened, or extinct. On hearing on the June 16, 1976 proposal was held on July 22, 1976, in El Segundo, California. In the June 24, 1977, **Federal Register**, the Service published a final rulemaking (42 FR 32373-32381, codified at 50 CFR) detailing the permit regulations to protect Endangered and Threatened plant species. These rules establish certain prohibitions and a permit procedure to grant exceptions to the prohibitions under certain circumstances. The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044 and CFR 14.

Summary of Comments and Recommendations

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the **Federal Register** prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

Hundreds of comments on the general proposal of June 16, 1976, were received from individuals, conservation organizations, botanical groups, and business and professional organizations. Few of these comments were specific in nature in that they did not address individual plant species. Most comments addressed the program or the concept of Endangered and Threatened plants and their protection and regulation. These comments are summarized in the April 26, 1978, **Federal Register** publication which also determined 13 plant species to be Endangered or Threatened species (43 FR 17909-17916). The Governors of Utah and Colorado were both notified of the proposed action. The Governors themselves submitted no comments on the proposed action, nor did the conservation agencies of either State. Two comments were received concerning *Sclerocactus glaucus*. In a letter dated February 17, 1977, Dr. Lyman Benson of Pomona College commented that all species of *Sclerocactus* are rare and known from only a few localities, and that the species is really endangered.

The other comment was from Gary Lyons, chairman of the Cactus and Succulent Society of America Conservation Committee, who wrote concerning distribution of the cactus and possible threats to its habitat.

After a thorough review and consideration of all the information available, the Director has determined that *Sclerocactus glaucus* (K. Schum) L. Benson (Uinta Basin hookless cactus; synonyms: *Echinocactus glaucus, E. subglaucus, E. whipplei* var. *glaucus, Sclerocactus franklinii, Pediocactus* July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823-27924) of his acceptance of the report of the Smithsonian Institution as a petition under Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within as well as any habitat which might be determined to be critical.

On June 16, 1976, the Service published a proposed rulemaking in the **Federal Register** (41 FR 24523-24572) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the above mentioned **Federal Register** publication.

Sclerocactus glaucus was included in both the July 1, 1975, notice of review and the June 16, 1976, proposal. A public

glaucus) is in danger of becoming extinct within the foreseeable future throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Sclerocactus glaucus* are as follows:

(1) *Present or threatened destruction, modification, or curtailment of its habitat or range. Sclerocactus glaucus* is known from 8 sites in a five-county area of eastern Utah and western Colorado. It is found at an elevation range of approximately 1400 to 2100 meters in alluvial deposits of the Colorado Plateau. Individuals within populations are widely scattered in open rocky areas.

Ninety percent of the total population occurs on lands under the jurisdiction of the Bureau of Land Management. The remaining 10 percent is found on State of Utah land and private land. The general region where the species occurs is potentially subject to future development of oil shale deposits or gold mining. Off-road vehicles related to these possible activities could be another future threat. These potential activities are currently too ill-defined to anticipate the possible extent of threats to the cactus.

(2) *Overutilization for commercial, sporting, scientific or educational purposes. Sclerocactus glaucus* is prized for its beautiful purplish-red flowers and is sought by professional and amateur cactus growers. This cactus, being very rare and highly endemic, has been, and will continue to be, a particular prize among collectors and therefore is very threatened by unregulated commercial trade from specimens of wild origin. Severe overcollection has already occurred. In addition, collecting might increase because of the Dominguez Project, a dam and pumpback reservoir which has been proposed on the Gunnison River at Whitewater, Colorado. Although no known populations of *Sclerocactus glaucus* occur within the proposed reservoir basin, scattered populations do occur on the hills above the proposed basin. The major impact on these populations could be new recreational and probable collecting pressure at formerly remote sites.

(3) *Disease and predation* (including grazing). Limited grazing of its habitat appears to be beneficial for this species. Greatly increased or decreased grazing could contribute to the decline of the species.

(4) The inadequacy of existing regulatory mechanisms. There currently exist no State or Federal laws adequately protecting this species or its habitat. The Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (the BLM Organic Act) to restrict taking of vegetative resources under certain circumstances. Present regulations state that removal of plants for commercial purposes may be done only where specifically authorized by law (43 CFR 6010.2). These regulations, however, are difficult to enforce, make no specific reference to Threatened or Endangered plant species, and provide no framework to allow an over-all program for management and protection of native plants. Because of these problems and because the Bureau of Land Management has only one law enforcement officer each for Utah and Colorado, additional protection is needed for Endangered and Threatened plant species occurring on Bureau of Land Management lands. Further, All native cacti are on Appendix II of the Convention or International Trade in Endangered Species of Wild Fauna and Flora. However, this Convention only regulates export of the species, and therefore does not regulate internal trade in the cactus, or habitat destruction. No other Federal protective laws currently apply to it.

(5) *Other natural or manmade factors affecting its continued existence.* Not applicable to this species.

Effect of the Rulemaking

Section 7(a) of the Act as amended in 1978 provides:

"The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to Section 4 of this Act. Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") does not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of Section 7 of the Endangered Species Act Amendments of 1978."

Provisions for Interagency Cooperation were published on January 4, 1978, in the **Federal Register** (43 FR 870–876) and codified at 50 CFR Part 402. These regulations are intended to assist Federal agencies in complying with Section 7(a) of the Act. This rulemaking requires Federal agencies to satisfy these statutory and regulatory obligations with respect to this species.

Endangered and Threatened species regulations in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all such species. The regulations which pertain to Threatened plant species, are found in §§ 17.71 and 17.72 (42 FR 32380–32381) and are summarized below.

All provisions of Section 9(a)(2) of the Act, as implemented by § 17.71, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, or to deliver, receive, carry, transport or ship in interstate or foreign commerce in the course of a commercial activity, or to sell or offer for sale in interstate or foreign commerce, this plant. Certain exceptions would apply to agents of the Service and State conservation agencies.

Section 10 of the Act and regulations published in the **Federal Register** of June 24, 1977 (42 FR 32373–32381, codified in 50 CFR Part 17), provide for the issuance of permits under certain circumstances to carry out otherwise prohibited activities involving Threatened plants, such as trade in specimens of cultivated origin.

Effect Internationally

In addition to the protection provided by the Act, all native cacti are on Appendix II of the convention on International Trade in Endangered Species of Wild Fauna and Flora, which requires a permit for export of the species. The Service will review *Sclerocactus glaucus* to determine whether it should be considered under the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere or other appropriate international agreements.

National Environmental Policy Act

An Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Endangered Species Act Amendments of 1978

The Endangered Species Act Amendments of 1978 added the

following provision to subsection 4 (a)(1) of the Endangered Species Act of 1973:

"At the time any such regulation [to determine a species to be an Endangered or Threatened species] is proposed, the Secretary shall by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat."

Sclerocactus glaucus is primarily threatened by an activity not prohibited by the Endangered Species Act of 1973 nor, completely, by the Bureau of Land Management. The Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (the BLM Organic Act) to restrict taking of vegetative resources under certain circumstances. Present regulations state that removal of plants for commercial purposes may be done only where specifically authorized by law (43 CFR 6010.2). Permitted activities include the collecting of plant parts in reasonable quantities for personal use, consumption or hobby collecting. These regulations are difficult to enforce, make no specific reference to Threatened or Endangered plant species, and provide no framework to allow an overall program for management and protection of native plants. Because of these problems and because the Bureau of Land Management has only one law enforcement officer each for Utah and Colorado, additional protection is needed for Endangered and Threatened plant species occuring on Bureau of Land Management lands. Publication of critical habitat maps detailing locations of this species makes them even more vulnerable to illegal taking. Therefore, it would not be prudent to determine critical habitat.

Sclerocactus glaucus was proposed on June 16, 1976 (41 FR 24536), and since critical habitat is not being determined for this species, none of the other amended subsections are applicable. Accordingly, the Service is proceeding at this time with a final rulemaking to determine this species to be Threatened pursuant to the Endangered Species Act of 1973, as amended. This rule is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884).

The primary author of this rule is Ms. Rosemary Carey, Office Of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/235–1975). The status report used as a major source in support of this listing was prepared by James Ratzloff, Botanist, Bureau of Land Management, Montrose District Office, Montrose, Colorado.

Regulation Promulgation

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. Section 17.12 is amended by adding, in alphabetical order by family, genus, species, the following plant:

§ 17.12 Endangered and threatened plants.

* * * * *

Species		Range		Status	When listed	Special rules
Scientific name	Common name	Known distribution	Portion of range where threatened or endangered			
Cactaceae—Cactus family:						
Sclerocactus glaucus	Uinta Basin Hookless cactus	U.S.A. (UT and CO)	Entire	T		NA

Dated: October 3, 1979.

Robert S. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-31316 Filed 10-10-79; 8:45 am]

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federal register

Wednesday
October 11, 1979

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations Permanent Regulatory Program

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 701 and 741

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program

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

ACTION: Notice of temporary suspension of certain final rules.

SUMMARY: Notice is given that the requirement in 30 CFR 701.11 and 741.11(a) that operators having an approved mining plan, or having submitted an approvable new or revised mine plan to the Office of Surface Mining before the effective date of 30 CFR, Chapter VII, Subpart D (April 12, 1979) shall comply with the permanent performance standards in 30 CFR Subchapter K on and after October 12, 1979, is temporarily suspended pending the outcome of proposed rulemaking to revise 30 CFR Parts 701 and 741.

EFFECTIVE DATE: October 11, 1979.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240 (202) 343–4225.

SUPPLEMENTARY INFORMATION: On March 13, 1979, the Office published final rules governing the conduct of surface coal mining and reclamation operations of Federal lands as 30 CFR, Chapter VII, Subchapter D (44 FR 15332–15341). Section 701.11 and 741.11(a) of the rules provides that on and after six months from the effective date of Subchapter D, i.e., October 12, 1979, operators having an approved mining plan or having submitted an approvable new or revised plan prior to the effective date must comply with the permanent performance standards in 30 CFR Subchapter K, with certain exceptions for pre-existing structures as provided in 30 CFR 701.11(e). On September 28, 1979, as a result of comments and petitions, OSM published in the **Federal Register** (44 FR 56272) a notice of proposed rulemaking to amend § 741.11 and § 701.11 to postpone the effective date for operator compliance with the permanent performance standards on existing operations until after approval of a State program or implementation of a Federal program for a state. Comments on this proposed amendment must be received by October 29, 1979. A public hearing will be held on October 18, 1979, at 9:00 a.m. in Room 269 of the Old Post Office Building in Denver, Colorado.

Publication of the proposed rulemaking described above does not suspend operation of the existing rule. Thus, unless the requirement is temporarily suspended pending the outcome of the proposed rulemaking, existing operators on Federal lands will become subject to notices of violations and possible penalties on and after October 12, 1979, for failure to be in compliance with the permanent program performance standards. The Office believes that there is no justifiable reason to compel operators to comply with the requirement in advance of a final determination on the proposed amendment. In support of this temporary suspension, the basis and purpose stated in the proposed rulemaking, 44 FR 56272, September 28, 1979, is incorporated herein by reference.

NOTICE: The requirement of 30 CFR 701.11 and 741.11(a) that all persons conducting surface coal mining and reclamation operations on Federal lands under an approved mining plan, or who have submitted an approvable new or revised mine plan to the Office before April 12, 1979, must comply with Subchapter K of 30 CFR Chapter VII on and after October 12, 1979, is suspended pending a final decision on proposed rules published September 28, 1979, in the **Federal Register**, Vol. 44, Number 190 at page 56272 to amend 30 CFR Parts 701 and 741.

Dated: October 5, 1979.

Charles P. Eddy,

Acting Assistant Secretary, Energy and Minerals.

[FR Doc. 79-31394 Filed 10-10-79; 8:45 am]

BILLING CODE 4310-05-M

federal register

Thursday
October 11, 1979

Part IV

Community Services Administration

Energy Crisis Assistance Program

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1061

[CSA Instruction 6143-]

Emergency Energy Conservation Program; Energy Crisis Assistance Program

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing an amendment to the final rule on the Energy Crisis Assistance Program. This rule is required to implement the fiscal year 1980 appropriation which includes funding for the program. This rule details how these energy funds will be allocated and sets forth project applicaion and post grant requirements.

EFFECTIVE DATE: October 11, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Edward J. Freel or Mr. Wallace W. Lumpkin, 2000 K Street NW., Suite 350, Washington, D.C. 20006, Telephone (202) 254–9833, Teletypewriter (202) 254–6218.

SUPPLEMENTARY INFORMATION: On September 4, 1979, CSA published in the Federal Register (44 FR 51780) (45 CFR 1061) a final rule for its FY 80 Energy Crisis Assistance Program with a notation that while the rule was final and effective in 30 days due to the emergency nature of the program, CSA would welcome comments through September 19, 1979, and that the rule could be amended to reflect comments, if warranted.

A number of comments have been received from the public and other federal agencies which CSA believes are important enough to warrant amending the rule. Subpart 1061–70 is reprinted in its entirety for the convenience of the public and supersedes the September 4, 1979 regulation.

CSA received 107 comments by September 19, 1979. Comments came from many different types of groups including Community Action Agencies (39), Aging Offices (12), Legal Service Agencies (10), and State Governments (15). Many of the comments referred to questions of clarification and those changes have been incorporated into the amended regulation.

Many comments urged CSA to designate Community Action Agencies as the local administering agencies. It is CSA's position that it would not be consistent with congressional intent to compel Governors to utilize a specific local administering network. CSA does anticipate that Governors will utilize Community Action Agencies where they have demonstrated the capability to effectively implement energy assistance programs. CSA wishes to remind prospective grantees that they must provide for the participation of the poor.

Many commentators urged CSA to raise the income eligibility level to 150% of the CSA poverty threshold, if not for all persons, then at least for the elderly and the handicapped. CSA does not believe that raising the income level to 150% of the poverty level would be consistent with congressional intent. CSA does believe that this question should receive serious consideration in the development of future energy assistance programs.

Many comments urged CSA to establish a timetable for processing the State Funding Plans and to provide the states with additional guidance for developing the State Funding Plans. While it is not possible to provide a timetable for the review and approval of the State Funding Plans, CSA is committed to reviewing and approving the plans expeditiously. CSA will also be providing a guidance to the states concerning the review process to be used by the Regional Directors. In addition, a number of changes made in the regulation serve to clarify the type of information required in the plans.

Many commentators indicated that the reporting requirements were excessive. Appendix C in the original final rule has been revised, reformatted and included in the body of the regulation as § 1061.70–16. CAP Form 11, OEO Form 393 and CSA Form 380 will no longer be required for State and local governments; instead, standard assurances under Part V of OMB Circular A–102 should be provided. CSA has amended the regulation further to require that the CSA Form 440 and SF 269 be provided on a quarterly basis rather than bi-weekly. SF 272 should also be provided quarterly. Grantees, however, are to submit bi-weekly until January 30, 1980 the following information in addition to the other reporting requirements: total number of households assisted, total number of individuals assisted, total number of elderly-headed households assisted, total dollars obligated for heating fuel, and total dollars obligated for other purposes.

While CSA agrees that a bi-weekly reporting requirement is stringent, CSA also believes that it is in the public interest at least during the heating season to have current program information be available.

Many comentators indicated that the 10% administrative cost would not be sufficient to provide for adequate monitoring, processing of forms, certification, and outreach. CSA realizes the need for sufficient administrative funds and has made available from FY 79 Crisis intervention Funds to each state up to $100,000 for planning and implementing the FY 80 Energy Crisis Assistance Program. This is in addition to the allowed 10% to be expended from FY 80 program funds. CSA believes that to permit more than 10% of the funds to be expended on administration would be inconsistent with the intent of the Congress.

This amended rule will go into effect on October 11, 1979. OMB clearance No. 116–R–0363 under the Federal Reports Act for the use of the reporting requirements in this application has been received. CSA is waiving a comment period because any further delay would be impractical and contrary to the public interest. Additional delay would render it impossible to publish a final rule prior to the onset of winter weather, would not provide Governors sufficient time to plan for winter-related problems in their states, and would not be consistent with Congressional intent that this program be operated during the cold weather months.

For these same reasons, an emergency exception to the regulatory analysis provision in Executive Order 12044 is appropriate. In addition, such an analysis would not be feasible because no monies have been appropriated to date, and it is unclear at what level the program will be eventually funded. In any event, CSA has conducted somewhat similar programs since FY 77 so that this rule will not be significantly different than the prior years nor impose significantly different burdens on grantees.

Graciela (Grace) Olivarez,

Director.

45 CFR Part 1061 is amended by revising subpart 1061.70, "Energy Crisis Assistance Program" to read as follows:

Subpart 1061.70—Energy Crisis Assistance Program

Sec.

Sec.

APPENDICES

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

Subpart 1061.70—Energy Crisis Assistance Program

§ 1061.70–1 Effective date.

October 11, 1979.

§ 1061.70–2 Applicability.

This subpart is applicable to Energy Crisis Assistance grants funded under section 222(a)(5) of the Economic Opportunity Act of 1964 as amended, if the assistance is administered by the Community Services Administration.

§ 1061.70–3 Policy.

(a) The primary intent of the program is to make funds available to states to enable Governors to respond to energy-related crises affecting poor and near poor households, which are caused by the high cost of energy and an anticipated severe winter.

(b) This one-time CSA-funded program does not entitle any household to a certain amount and/or form of assistance.

§ 1061.70–4 Who can apply for funds.

(a) Governors of each State, Puerto Rico and the Virgin Islands, and the Mayor of the District of Columbia may apply for funds under this program. (Note: All references in this document to "Governor" include the Mayor of the District of Columbia.)

(b) The funds will be distributed by CSA among the States and the District of Columbia according to a formula based on climate, fuel, and low-income population factors. If additional funds for this program become available, CSA may revise the distribution formula if conditions so warrant.

(c) To make a request, the Governor will submit a State Funding Plan to the CSA Regional Office serving his/her state. (See Appendix A). This will begin the formal application process.

(d) For further information regarding the application process see § 1061.70–11.

§ 1061.70–5 Administration of the Program at the State Level.

The Governor may choose any agency to serve as the grantee of record for this program, which meets the following criteria:

(a) Has proven experience in administering, monitoring, or operating programs for the poor;

(b) Will be able to implement the program and provide services in a timely manner throughout the state;

(c) Has a sound fiscal system and proven acceptability of its audits; and

(d) Will be able to comply with CSA's program and financial reporting requirements.

Where there are either administrative or legislative impediments that would prevent an agency at the State level from implementing the delivery of services in a timely manner, CSA will work with the Governor to develop an alternate plan which could include the option of designating more than one grantee for the state.

§ 1061.70–6 Local Administering Agency(ies).

The Governor also has the flexibility to choose the local administering agency(ies), such as community action agencies, aging offices and welfare offices. [Note: This does not preclude using the single state grantee as a deliverer.] However, in making the determination regarding the local operator(s), the Governor must assure that the operator(s) has:

(a) Experience in operating programs that serve the poor;

(b) The ability to carry out, or arrange for the outreach activities outlined in § 1061.70–7; and

(c) An adequate accounting system with appropriate fiscal controls.

§ 1061.70–7 How a local program is operated.

(a) *Serving Clients.*—(1) *Reaching Potential Clients.*

(i) The local administering agency is required to provide assistance to those households that do not have access to other supportive service networks but are income eligible for this program as well as to those who do have such access.

(ii) To carry out this mandate effectively, local delivery systems must notify, inform, and contact persons potentially eligible for this program through, for example, the use of outreach workers, community groups, decentralized intake and certification systems, mass mailings, radio and T.V. spots, use of community newspapers, church bulletins, etc. In the State Funding Plan, the Governor must describe how outreach services will be provided to potential clients eligible for services. Expenses for these activities are to be included as administrative costs.

(2) *Serving the elderly.* Highest priority should be placed on serving the elderly. Therefore, local program operators should offer special services. Suggested activities include:

(i) Intake and certification by mail;

(ii) Scheduled appointments;

(iii) Transportation;

(iv) Use of senior citizen centers for provision of services; and

(v) Intake and certification in residences for persons unable to leave their residences due to infirmity or fear of victimization.

In the State Funding Plan, the Governor must describe how priority will be given to serving the elderly.

(3) *Serving Renters.* This program is also intended to serve renters who are experiencing an energy related crisis. In the State Funding Plan, the Governor must indicate how renters in an energy-related crisis will be served. For example assistance might be provided where a renter lives in a building heated with natural gas provided for in his/her rent; but where because the heating is inadequate, the renter has to purchase two electric space heaters and pay the electric bill himself.

(b) *Limitations on payments.* In no event shall the sum of all assistance under this program made to and/or on behalf of any household, exceed the actual amount needed to ameliorate the household's energy-related problem or $400 whichever is less. In the event a Governor wants to set assistance limits at a lower level and/or provide for varying the maximum assistance level up to the $400 limit based on factors such as: climate, fuel, and low income population, he/she must provide in the State Funding Plan justification including the specific criteria used as the basis for changing or varying the limits of assistance.

(c) *Appeal by household which has been denied assistance.* (1) The grantee of record will ensure that each program operator will make known to all applicants procedures for review of the partial or complete denial of assistance under the program to any household. If the agency has an existing process which includes the elements listed below its continued use will satisfy the requirements of this policy.

(2) The state-designed procedures are to be applicable to partial or complete

denials of requests for assistance for specific, tangible benefits to low-income households, e.g. utility payments, in-kind assistance, etc. for which the grantee of record currently is receiving CSA funds. The procedures will not apply to such activities as community organization, information and referral, etc.

(3) For purposes of this policy we will consider that there has been a denial of assistance when the benefits or services and/or funds currently are available, the local program operator has the authority to provide or disburse them, and the applicant falls within or believes that he/she can prove that he/she falls within the income eligibility and established program guidelines.

(4) CSA will provide a model form for States and local program operators to use in designing their intake/application form. CSA will notify the public in the Federal Register as soon as possible about this model form.

(5) In addition operators will develop procedures for reviewing denials of assistance which will include:

(i) Provisions for notifying the applicant in writing of the reasons for denial of assistance, that he/she may request a review of the denial and may submit additional information (in writing or orally) which the applicant believes would warrant a favorable determination;

(ii) Provisions for reviewing the denial of an application for assistance in a timely manner if such is requested by the applicant. This should include the specific assignment of responsibility to a senior level official other than the person making the initial determination;

(iii) Provisions for notifying the applicant in writing of the agency's final decision; and

(iv) The methods the agency will employ to publicize the existence of the appeal process.

(6) If the population served by the local program operator includes a sizable non-English speaking group, procedures, written materials, and publicity shall be made available in that language.

(7) A written description of the above required procedures shall be maintained on file by the local program operator and shall be available for public inspection.

(8) All documents relating to specific denials of assistance and action(s) taken will be maintained in the agency's files for the length of time required by CSA policy on "Retention and Custodial Requirement for Records." These records will be available for review by CSA officials upon request.

§ 1061.70–8 What these funds can be used for.

Funds made available under this program must be used to provide assistance to eligible households to offset the high cost of household energy. Only the following types of assistance can be provided with these funds:

(a) Payments to vendors and suppliers of fuel, goods, and other services.

(b) The establishment of lines of credits with fuel/utility vendors for the benefit of eligible households. The Governors may provide limitations on the use of lines of credits such as: limiting the line of credit to the elderly and the handicapped only, establishing a specific duration of a future credit to the elderly and varying the maximum level (not to exceed $400). The Governor must describe in the State Funding Plan how future credits will be used in that particular state.

(c) Direct money assistance not to exceed $50 for the duration of the program to eligible households in those cases where a household is without resources to pay for other necessities as a result of paying utility/fuel bills, or as a means of implementing activities allowable under paragraph (d) of this section. Such payments shall be made by check only and not with coin or currency.

(d) Where necessary to prevent hardship or danger to health, the provision of immediate assistance in the form of goods or services such as emergency fuel deliveries, warm clothing, blankets, temporary shelter, emergency repairs to housing such as patching a roof or replacing a broken window, food, medicines or other supportive services. Funds under this program shall not be used to weatherize homes.

§ 1061.70–9 Who is eligible to participate in this program.

(a) *Income Eligibility.* Households with incomes at or below 125% of the CSA Poverty Guidelines and households whose heads receive SSI shall be eligible for assistance under this program. No state may change these income eligibility guidelines.

(b) *Program Eligibility.* The Governor may specify certain program eligibility criteria by defining what constitutes an energy-related crisis in that particular state. Where a Governor wants to establish such eligibility criteria, he/she must provide an explanation and justification in the State Funding Plan for the Eligibility criteria selected as well as a description of the procedures to be used in determining the program eligibility. The Governor may not require proof of unpaid fuel bills or notices of termination of utility service as criteria for eligibility under this program. The Governor also has the option to use income eligibility criteria as the sole eligibility criteria.

(c) *Income disregard.* Payments made under this program are not to be considered as income for purposes of determining eligibility or benefits under any income maintenance program including, but not limited to public assistance, veterans benefits, food stamps, or Supplemental Security Income.

(d) *Determination of Income Eligibility Required of Grantees.* Proof of income eligibility is required. The period for determining eligibility will be not more than 12 months nor less than the 90 day period preceding the request for assistance. When proof of eligibility is unavailable, an applicant must sign a declaration of income eligibility. In such cases, the local program operator must make a reasonable number of spot checks to verify income eligibility.

§ 1061.70–10 Termination of program.

No funds under this program may be obligated after September 30, 1980. For this program, "obligation" shall mean certification for assistance by the program operator of a specific eligible household.

§ 1061.70–11 How a Governor requests funds.

(a) Applications for funds under this program will be for statewide coverage. CSA will establish set-asides to serve Native Americans and farmworker groups.

(b) Within 15 calendar days of the effective date of this subpart, the Governor will submit a State Funding Plan to the appropriate CSA Regional Office with all the information required in section 1061.70–16. The State Funding Plan must provide a timetable indicating when services will be provided at the local level.

(c) CSA requested from OMB a complete waiver of the clearinghouse review procedures for the FY 80 Energy Crisis Assistance Program. OMB has granted a waiver under the following conditions transmitted in a letter dated August 29, 1979:

(1) The Governor's State Funding Plan will be subject to modified procedures of Part III of A–95. To the fullest practicable degree, the State agency responsible for development of the plan will involve the State clearinghouse in the development phase. Where such early coordination is not possible, the plan will be sent to the State clearinghouse not later than

simultaneously with the submission of the plan to CSA;

(2) The State clearinghouse will determine the degree to which areawide clearinghouses should be involved in the review process and a normal 45 day review period will be afforded, on an *after the fact* basis;

(3) CSA's approval of the State Funding Plan will be conditional, in that the State plan may be subject to possible subsequent revision to accommodate any appropriate recommendations for its modification as provided by clearinghouses in the A–95 review process. The State operating agency will be instructed to make every effort to accommodate such recommendations and will provide appropriate clearinghouses with a statement as to its final judgment on each recommendation. As a result of this requirement CSA must require that any revisions made to the State Funding Plan be submitted to the appropriate CSA Regional Office for approval;

(4) CSA will provide State and appropriate areawide clearinghouses, via Standard Form 424, with an information copy of the "block" grant award to the State agency receiving the funds;

(5) In addition the State agency will provide, for each "sub-state" project grant award, information to the State and appropriate areawide clearinghouses as to the amount of monies awarded, to whom, and the purpose of each award. For these sub-state award notifications the use of Standard Form 424 is encouraged but is not mandatory.

(d) If a state fails to submit a State Funding Plan within 15 calendar days of the effective date of these regulations or if a submitted plan is not acceptable for approval, CSA may develop and implement a plan for the state.

§ 1061.70–12 General funding policies.

(a) *Matching Share.* A matching share is not required for this program. However, states and local program operators are encouraged to mobilize additional resources to supplement and support this program.

(b) *Maintenance of Effort.* Resources for similar services scheduled to be provided this heating season under state and local authorities shall not be reduced because of this program nor shall this program be used as a substitute for such services. The Director of CSA may make exceptions only in those situations where a strict application of this requirement would result in unnecessary hardship or be inconsistent with the purposes of the Energy Crisis Assistance Program.

(c) *Administrative Costs.* The grantee of record may expend up to 10% of the total state grant for administrative and program support costs. Where the grantee has contracted out performance of all or part of the work program, such as outreach, grantee must provide a reasonable portion of these administrative funds to those program operators to enable them to administer the program.

(d) *Overexpenditures.* If the grantee of record incurs expenditures in excess of the total amount of the approved grant, the amount of the overexpenditure must be absorbed by the grantee of record.

(e) *Procurement.* In accordance with OMB Circulars A–110 and A–102 all proposed sole source contracts where only one bid or proposal is received in which the aggregate expenditure is expected to exceed $5,000 must receive prior approval by the appropriate CSA Regional Office.

§ 1061.70–13 Post-funding requirements.

(a) *Audit.* The grantee of record will not be required to have a separate audit of this program. The program including its contracted-out components will be audited at the time of the grantee of record's regularly scheduled audit. Five copies of the audit shall be submitted by the auditor to the appropriate CSA Regional Auditor concurrent with submission to the grantee of record.

(b) *Project Reporting.* The grantee of record is required to submit a Project Progress Review Report, CSA Form 440 on a quarterly basis to cover activities performed in this program. Grantees will also submit bi-weekly, until January 30, 1980 the following information in addition to the other reporting requirements: total number of households assisted, total number of individuals assisted, total number of elderly-headed households assisted, total dollars obligated for heating/fuel bills, total dollars obligated for other purposes.

(c) *Financial Reporting.* The grantee of record must submit a separate SF 269, Financial Status Report, covering activities for this program on a quarterly basis with a final report due 90 days after the end of the program. The grantee of record shall follow these procedures for submission of the SF 269: one copy to the appropriate CSA Regional Office, one copy to Grants Accounting Branch, Finance and Grants Management Division, CSA Headquarters, 1200 19th Street N.W. Washington, D.C. 20506, and one copy to Energy Crisis Assistance Task Force, 2000 K Street, N.W., Washington, D.C. 20006.

(d) *Evaluation.* In the event that CSA undertakes a national evaluation of this program, the cooperation of the grantee of record, the local program operators, and that of participating utility/fuel vendors will be requested.

(e) *Prohibition against transfer to another grant.* Funds unobligated at the termination of the grant cannot be transferred by the grantee of record to another grant.

§ 1061.70–14 CSA application review and approval process.

(a) CSA Regional Directors are delegated the authority for final approval of grants under this program.

(b) Based on a uniform review process, Regional Directors will determine the adequacy of State Funding Plans.

(c) Once a plan has been approved by the Regional Director, Regional Offices will expedite the processing and forward the Statement of CSA Grant (CSA Form 314) to the grantee of record chosen by the Governor. Upon receiving the CSA Form 314, the grantee of record must sign it and return it to the CSA Regional Office.

(d) A state may amend its State Funding Plan only with the prior approval of the appropriate CSA Regional Director.

(e) When a state deviates from its approved state plan, without CSA approval, upon investigation, CSA will take appropriate action.

§ 1061.70–15 Coordination with utility/fuel vendors.

The Governor must ensure that in each case where payment is certified that:

(a) Reconnection of utilities and/or delivery of fuel is made upon certification for payment;

(b) For any remaining balances, the customer is offered a deferred payment arrangement or a level payment plan;

(c) A reconnection charge is paid only where such a charge was company practice prior to September 1, 1979; and

(d) No security deposit is required to be paid except where such a deposit was required by state law or explicit state regulations prior to September 1, 1979 and, where required by law or regulation is included in a deferred payment arrangement.

§ 1061.70–16 State Funding Plans.

The Governor will submit a State Funding Plan to the appropriate CSA Regional Office. The State Funding Plan will include the following:

(a) A letter from the Governor waiving the 30-day comment period and a request for a specific amount of funds.

(b) The following elements as described in this subpart:

(1) State Administering Agency.

(2) Local Administering Agency(ies).

(3) Timetable for Implementation.

(4) Outreach Activities.

(5) Elderly Priority.

(6) Renters.

(7) Program Guidelines.

(8) Appeals Process.

(c) Information on the following:

(1) A plan for monitoring to ensure immediate investigation, and, if warranted, redress in cases of poor administration of the program, faulty and/or inadequate eligibility certification, duplication and fraud.

(2) A summary of administrative costs and the activities to be performed.

(3) A list of the areas to be served by the program, the distribution of funds by area, and the specific factors used in making the allocation.

(4) A plan for providing management and fiscal technical assistance to the local administering agencies.

Appendix A—CSA Regional Office Addresses

Mr. Ivan Ashley, Regional Director, CSA Region I, E-400, John F. Kennedy Fed. Bldg., Boston, Massachusetts 02203, Phone: (617) 223-4080/FTS-8-223-4080, Boston: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Mr. John C. Finley, Acting Regional Director, CSA Region II, 26 Federal Plaza, 32nd Floor, New York, New York 10007, Phone: (212) 264-1900/FTS-8-264-1900, New York: New Jersey, New York, Puerto Rico, Virgin Islands.

Dr. W. Astor Kirk, Regional Director, CSA Region III, Old U.S. Courthouse, P.O. Box 160, 9th and Market Streets, Philadelphia, Pennsylvania 19105, Phone: (215) 597-1139/FTS-8-597-1139, Philadelphia: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.

Mr. William "Sonny" Walker, Regional Director, CSA Region IV, 101 Marietta Street NW., Atlanta, Georgia 30303, Phone: (404) 221-2717/FTS-8-242-2717, Atlanta: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Mr. Glenwood Johnson, Regional Director, CSA Region V, 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606, Phone: (312) 353-5562/FTS-8-353-5562, Chicago: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Mr. Ben T. Haney, Regional Director, CSA Region VI, 1200 Main Street, Dallas, Texas 75202, Phone: (214) 767-6126/FTS-8-729-6126, Dallas: Arkansas, Louisana, New Mexico, Oklahoma, Texas.

Mr. Wayne Thomas, Regional Director, CSA Region VII, 911 Walnut Street, Kansas City, Missouri 64106, Phone: (816) 374-3761/FTS-8-758-3761, Kansas City: Iowa, Kansas, Missouri, Nebraska.

Mr. David Vanderburgh, Regional Director, CSA Region VIII, 1961 Stout Street, Federal Building, Denver, Colorado 80294, Phone: (303) 837-4767/FTS-8-327-4767, Denver: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.

Mr. Alphonse Rodriguez, Regional Director, CSA Region IX, 450 Golden Gate Avenue, Box 36008, San Francisco, California 94102, Phone: (415) 556-5400/FTS-8-556-5400, San Francisco: Arizona, California, Hawaii, Nevada, Trust Territories.

Mr. N. Dean Morgan, Regional Director, CSA Region X, 1321 Second Avenue, Seattle, Washington 98101, Phone: (206) 442-4910/FTS-8-399-4910, Seattle: Alaska, Idaho, Oregon, Washington.

Appendix B—Community Services Administration

125% of Poverty Income Guidelines for All States Except Alaska and Hawaii

Size of family unit	Non-farm family	Farm family
1	$4,250	$3,638
2	5,625	4,800
3	7,000	5,963
4	8,375	7,125
5	9,750	8,288
6	11,125	9,450

For family units with more than 6 members, add $1,375 for each additional member in a non-farm family and $1,163 for each additional member in a farm family.

Poverty Guidelines for Alaska

Size of family unit	Non-farm family	Farm family
1	$5,338	$4,562
2	7,050	6,013
3	8,763	7,463
4	10,475	8,913
5	12,188	10,363
6	13,900	11,813

For family units with more than 6 members, add $1,713 for each additional member in a non-farm family and $1,450 for each additional member in a farm family.

Poverty Guidelines for Hawaii

Size of family unit	Non-farm family	Farm family
1	$4,913	$4,188
2	6,488	5,525
3	8,063	6,863
4	9,638	8,200
5	11,213	9,538
6	12,788	10,875

For family units with more than 6 members, add $1,575 for each additional member in a non-farm family and $1,338 for each additional member in a farm family.

BILLING CODE 6315-01-M

APPENDIX C

OFFICE OF ECONOMIC OPPORTUNITY

Community Action Program

Assurance of Compliance with the Office of Economic Opportunity's Regulations under Title VI of the Civil Rights Act of 1964

_____ (hereinafter called the "Applicant")

(Name of Applicant or Delegate Agency)

AGREES THAT it will comply with title VI of the Civil Rights Act of 1964 (P.L. 88-352) and the Regulations of the Office of Economic Opportunity issued pursuant to that title (45 C.F.R. Part 1010), to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance either directly or indirectly from the Office of Economic Opportunity; and HEREBY GIVES ASSURANCE THAT it will immediately, in all phases and levels of programs and activities, install an affirmative action program to achieve equal opportunities for participation, with provisions for effective periodic self-evaluation.

In the case where the Federal financial assistance is to provide or improve or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the Applicant, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services and benefits, or for as long as the Applicant retains ownership or possession of the property, whichever is longer. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining either directly or indirectly any and all Federal grants, loans, contracts, property, or discounts, the referral or assignment of VISTA volunteers, or other Federal financial assistance extended after the date hereof to the Applicant by the Office of Economic Opportunity, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Date _____ _____

(Name of Applicant or Delegate Agency)

By _____

(President, Chairman of Board, or comparable authorized official)

_____

_____

_____

(Mailing Address)

CAP FORM 11 (REV. JUN 69) PREVIOUS EDITIONS ARE OBSOLETE.

U.S. GOVERNMENT PRINTING OFFICE 1969 O—334-348
907-408

APPENDIX D

CERTIFICATE OF APPLICANT'S ATTORNEY

(For Health Demonstration Programs under Section 222, Research and Pilot Programs under Section 232, and Special Impact Programs under Section 151 of the Economic Opportunity Act)

Form Approved
OMB No. 116-R0198

This certificate is required when applying for a new grant; or upon CSA's request, for the continuation of an existing grant.

1. NAME OF APPLICANT AGENCY

2. IS THE APPLICANT AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 401 (F) OF THE HIGHER EDUCATION ACT OF 1963, PUBLIC LAW 88-204?

☐ YES ☐ NO

IF "YES", WAS IT IN EXISTENCE ON AUGUST 20, 1964? ☐ YES ☐ NO

3. THE APPLICANT IS

☐ A PUBLIC AGENCY

☐ AN ORGANIZATION CHARTERED AS A NONPROFIT CORPORATION UNDER THE LAWS OF THE STATE OF _____

☐ A NONPROFIT UNINCORPORATED ASSOCIATION.

☐ OTHER *(Explain in Item 6, below.)*

4. IF THE APPLICANT IS A NONPROFIT ORGANIZATION, INDICATE WHETHER IT HOLDS A CURRENT RULING FROM THE INTERNAL REVENUE SERVICE THAT IT IS TAX EXEMPT

☐ YES *(Date of Ruling)* _____ ☐ NO

5. IF ANSWER TO ITEM 4, ABOVE, IS "NO"

A. IS IT YOUR OPINION THAT THE APPLICANT QUALIFIES FOR SUCH A RULING?

☐ YES ☐ NO

B. HAS ANY OFFICIAL OF THE INTERNAL REVENUE SERVICE INDICATED THAT THE APPLICANT MAY NOT QUALIFY FOR SUCH A RULING?

☐ YES *(Explain in Item 6, below.)* ☐ NO

6. REMARKS

7. **OPINION**

In my opinion, the above information accurately describes the applicant agency, and that agency has the authority, under applicable principles of law, to carry out the program described in this application.

TYPED NAME OF ATTORNEY	MEMBER OF THE BAR OF *(State)*	SIGNATURE

ADDRESS	DATE

CSA FORM 393 JUN 75 (FORMERLY OEO FORM 393, DATED NOV 71, WHICH MAY BE USED UNTIL EXHAUSTED.)

APPENDIX E

Page _____ of _____

COMMUNITY SERVICES ADMINISTRATION
PROJECT PROGRESS REVIEW REPORT

(Check applicable box)
☐ 1st Qtr. ☐ ANNUAL
☐ 2nd Qtr.
☐ 3rd Qtr. ☐ FINAL

OMB No. 116-R0227
Approval expires August 1980

DATE SUBMITTED

NAME OF GRANTEE

GRANTEE NO.

PROGRAM ACCOUNT

PROJECT TITLE

PROJECT GOAL

STANDARD(S) OF EFFECTIVENESS *(No.)*

1. ACCOMPLISHMENTS

A. MEASURABLE

B. NON-QUANTIFIABLE

2. PROBLEMS

3. PLANNED CHANGES *

4. TRAINING & TECHNICAL ASSISTANCE NEEDS *

5. ASSESSMENT OF EFFECTIVENESS

* Do not complete when filing final report or in annual reports for individual projects which will not be refunded.

CERTIFICATION

The undersigned certifies that this report has been completed in accordance with applicable instructions; that it is true to the best of his/her knowledge, information and belief; and that it has been approved, or reviewed and approved, as indicated in Item 6, below.

6. THIS REPORT HAS BEEN *(Check appropriate box.)*
☐ APPROVED BY GRANTEE'S GOVERNING BOARD
☐ REVIEWED BY GRANTEE'S ADMINISTERING BOARD AND APPROVED BY ITS GOVERNING OFFICIALS

7. DATE OF APPROVAL

8. TYPED NAME & TITLE OF PRINCIPAL GOVERNING OFFICIAL OR PRINCIPAL OFFICER OF GOVERNING BOARD

9. SIGNATURE

10. DATE

CSA FORM 440 (REV. AUG 77) (REPLACES OEO FORM 440, DATED AUG 72, WHICH IS OBSOLETE.)

GPO 919-407

APPENDIX F

FINANCIAL STATUS REPORT

(Follow instructions on the back)

1. FEDERAL AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH REPORT IS SUBMITTED	2. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER	OMB Approved No. 80-R0180	PAGE OF PAGES
3. RECIPIENT ORGANIZATION *(Name and complete address, including ZIP code)*	4. EMPLOYER IDENTIFICATION NUMBER	5. RECIPIENT ACCOUNT NUMBER OR IDENTIFYING NUMBER	6. FINAL REPORT ☐ YES ☐ NO
	7. BASIS ☐ CASH ☐ ACCRUAL		
	8. PROJECT/GRANT PERIOD *(See instructions)* FROM *(Month, day, year)*	TO *(Month, day, year)*	9. PERIOD COVERED BY THIS REPORT FROM *(Month, day, year)*
			TO *(Month, day, year)*

10. STATUS OF FUNDS

PROGRAMS/FUNCTIONS/ACTIVITIES ►	(a)	(b)	(c)	(d)	(e)	(f)	TOTAL (g)
a. Net outlays previously reported	$	$	$	$	$	$	$
b. Total outlays this report period							
c. *Less:* Program income credits							
d. Net outlays this report period *(Line b minus line c)*							
e. Net outlays to date *(Line a plus line d)*							
f. *Less:* Non-Federal share of outlays							
g. Total Federal share of outlays *(Line e minus line f)*							
h. Total unliquidated obligations							
i. *Less:* Non-Federal share of unliquidated obligations shown on line h							
j. Federal share of unliquidated obligations							
k. Total Federal share of outlays and unliquidated obligations							
l. Total cumulative amount of Federal funds authorized							
m. Unobligated balance of Federal funds							

11. INDIRECT EXPENSE	a. TYPE OF RATE *(Place "X" in appropriate box)* ☐ PROVISIONAL ☐ PREDETERMINED ☐ FINAL ☐ FIXED	b. RATE	c. BASE	d. TOTAL AMOUNT	e. FEDERAL SHARE

12. REMARKS: *Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.*

13. CERTIFICATION

I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE REPORT SUBMITTED
TYPED OR PRINTED NAME AND TITLE	TELEPHONE *(Area code, number and extension)*

269-102

STANDARD FORM 269 (7-76)
Prescribed by Office of Management and Budget
Cir. No. A-110

INSTRUCTIONS

Please type or print legibly. Items 1, 2; 3, 6, 7, 9, 10d, 10e, 10g, 10i, 10l, 11a, and 12 are self-explanatory, specific instructions for other items are as follows:

Item	*Entry*
4	Enter the employer identification number assigned by the U.S. Internal Revenue Service or FICE (institution) code, if required by the Federal sponsoring agency.
5	This space is reserved for an account number or other identifying numbers that may be assigned by the recipient.
8	Enter the month, day, and year of the beginning and ending of this project period. For formula grants that are not awarded on a project basis, show the grant period.
10	The purpose of vertical columns (a) through (f) is to provide financial data for each program, function, and activity in the budget as approved by the Federal sponsoring agency. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the totals of all programs, functions or activities should be shown in column (g) of the first page. For agreements pertaining to several Catalog of Federal Domestic Assistance programs that do not require a further functional or activity classification breakdown, enter under columns (a) through (f) the title of the program. For grants or other assistance agreements containing multiple programs where one or more programs require a further breakdown by function or activity, use a separate form for each program showing the applicable functions or activities in the separate columns. For grants or other assistance agreements containing several functions or activities which are funded from several programs, prepare a separate form for each activity or function when requested by the Federal sponsoring agency.
10a	Enter the net outlay. This amount should be the same as the amount reported in Line 10e of the last report. If there has been an adjustment to the amount shown previously, please attach explanation. Show zero if this is the initial report.
10b	Enter the total gross program outlays (less rebates, refunds, and other discounts) for this report period, including disbursements of cash realized as program income. For reports that are prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to contractors and subgrantees. For reports prepared on an accrued expenditure basis, outlays are the sum of actual cash disbursements, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contractors, subgrantees, and other payees.
10c	Enter the amount of all program income realized in this period that is required by the terms and conditions of the Federal award to be deducted from total project costs. For reports prepared on a cash basis, enter the amount of cash income received during the reporting period. For reports prepared on an accrual basis, enter the amount of income earned since the beginning of the reporting period. When the terms or conditions allow program income to be added to the total award, explain in remarks, the source, amount and disposition of the income.
10f	Enter amount pertaining to the non-Federal share of program outlays included in the amount on line e.
10h	Enter total amount of unliquidated obligations for this project or program, including unliquidated obligations to subgrantees and contractors. Unliquidated obligations are: Cash basis—obligations incurred but not paid; Accrued expenditure basis—obligations incurred but for which an outlay has not been recorded. Do not include any amounts that have been included on lines a through g. On the final report, line h should have a zero balance.
10j	Enter the Federal share of unliquidated obligations shown on line h. The amount shown on this line should be the difference between the amounts on lines h and i.
10k	Enter the sum of the amounts shown on lines g and j. If the report is final the report should not contain any unliquidated obligations.
10m	Enter the unobligated balance of Federal funds. This amount should be the difference between lines k and l.
11b	Enter rate in effect during the reporting period.
11c	Enter amount of the base to which the rate was applied.
11d	Enter total amount of indirect cost charged during the report period.
11e	Enter amount of the Federal share charged during the report period. If more than one rate was applied during the project period, include a separate schedule showing bases against which the indirect cost rates were applied, the respective indirect rates the month, day, and year the indirect rates were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date.

APPENDIX G

FEDERAL CASH TRANSACTIONS REPORT

(See instructions on the back. If report is for more than one grant or assistance agreement, attach completed Standard Form 272-A.)

Approved by Office of Management and Budget, No. 80-R0182

1. Federal sponsoring agency and organizational element to which this report is submitted

2. RECIPIENT ORGANIZATION

Name :

Number and Street :

City, State and ZIP Code:

3. FEDERAL EMPLOYER IDENTIFICATION NO.

4. Federal grant or other identification number

5. Recipient's account number or identifying number

6. Letter of credit number

7. Last payment voucher number

Give total number for this period

8. Payment Vouchers credited to your account

9. Treasury checks received (*whether or not deposited*)

10. PERIOD COVERED BY THIS REPORT

FROM (*month, day, year*)

TO (*month, day year*)

11. STATUS OF FEDERAL CASH

(See specific instructions on the back)

a. Cash on hand beginning of reporting period	$
b. Letter of credit withdrawals	
c. Treasury check payments	
d. Total receipts (*Sum of lines b and c*)	
e. Total cash available (*Sum of lines a and d*)	
f. Gross disbursements	
g. Federal share of program income	
h. Net disbursements (*Line f minus line g*)	
i. Adjustments of prior periods	
j. Cash on hand end of period	$

12. THE AMOUNT SHOWN ON LINE 11J, ABOVE, REPRESENTS CASH REQUIREMENTS FOR THE ENSUING *Days*

13. OTHER INFORMATION

a. Interest income	$
b. Advances to subgrantees or subcontractors	$

14. REMARKS (*Attach additional sheets of plain paper, if more space is required*)

15. CERTIFICATION

I certify to the best of my knowledge and belief that this report is true in all respects and that all disbursements have been made for the purpose and conditions of the grant or agreement

AUTHORIZED CERTIFYING OFFICIAL

SIGNATURE

DATE REPORT SUBMITTED

TYPED OR PRINTED NAME AND TITLE

TELEPHONE (*Area Code, Number, Extension*)

THIS SPACE FOR AGENCY USE

272-102

STANDARD FORM 272 (7-76)
Prescribed by Office of Management and Budget
Cir. No. A-110

INSTRUCTIONS

Please type or print legibly. Items 1, 2, 8, 9, 10, 11d, 11e, 11h, and 15 are self explanatory, specific instructions for other items are as follows:

Item	*Entry*
3	Enter employer identification number assigned by the U.S. Internal Revenue Service or the FICE (institution) code. If this report covers more than one grant or other agreement, leave items 4 and 5 blank and provide the information on Standard Form 272–A, Report of Federal Cash Transactions—Continued; otherwise;
4	Enter Federal grant number, agreement number, or other identifying numbers if requested by sponsoring agency.
5	This space reserved for an account number or other identifying number that may be assigned by the recipient.
6	Enter the letter of credit number that applies to this report. If all advances were made by Treasury check, enter "NA" for not applicable and leave items 7 and 8 blank.
7	Enter the voucher number of the last letter-of-credit payment voucher (Form TUS 5401) that was credited to your account.
11a	Enter the total amount of Federal cash on hand at the beginning of the reporting period including all of the Federal funds on deposit, imprest funds, and undeposited Treasury checks.
11b	Enter total amount of Federal funds received through payment vouchers (Form TUS 5401) that were credited to your account during the reporting period.
11c	Enter the total amount of all Federal funds received during the reporting period through Treasury checks, whether or not deposited.
11f	Enter the total Federal cash disbursements, made during the reporting period, including cash received as program income. Disbursements as used here also include the amount of advances and payments less refunds to subgrantees or contractors, the gross amount of direct salaries and wages, including the employee's share of benefits if treated as a direct cost, interdepartmental charges for supplies and services, and the amount to which the recipient is entitled for indirect costs.
11g	Enter the Federal share of program income that was required to be used on the project or program by the terms of the grant or agreement.
11i	Enter the amount of all adjustments pertaining to prior periods affecting the ending balance that have not been included in any lines above. Identify each grant or agreement for which adjustment was made, and enter an explanation for each adjustment under "Remarks." Use plain sheets of paper if additional space is required.
11j	Enter the total amount of Federal cash on hand at the end of the reporting period. This amount should include all funds on deposit, imprest funds, and undeposited funds (line e, less line h, plus or minus line i).
12	Enter the estimated number of days until the cash on hand, shown on line 11j, will be expended. If more than three days cash reqirements are on hand, provide an explanation under "Remarks" as to why the drawdown was made prematurely, or other reasons for the excess cash. The requirement for the explanation does not apply to prescheduled or automatic advances.
13a	Enter the amount of interest earned on advances of Federal funds but not remitted to the Federal agency. If this includes any amount earned and not remitted to the Federal sponsoring agency for over 60 days, explain under "Remarks." Do not report interest earned on advances to States.
13b	Enter amount of advance to secondary recipients included in item 11h.
14	In addition to providing explanations as required above, give additional explanation deemed necessary by the recipient and for information required by the Federal sponsoring agency in compliance with governing legislation. Use plain sheets of paper if additional space is required.

APPENDIX H

ACCOUNTING SYSTEM CERTIFICATION

(OEO Instruction 6801-1)

ADDRESS *(OEO Program Office/Region)*

SECTION I. STATEMENT OF PUBLIC FINANCIAL OFFICER *(If the applicant is a Public Agency or when the Accounting System of a Private-nonprofit Agency will be maintained by a Public Agency.)*

I am the Chief Financial Officer of _____
(NAME OF PUBLIC AGENCY)
and, in this capacity, I will be responsible for providing financial services adequate to insure the establishment and maintenance of an accounting system for _____
(NAME OF APPLICANT)
which is a public (or nonprofit) agency charged with carrying out an OEO program in _____
_____. The accounting system will have internal controls
(NAME OF COMMUNITY)
adequate to safeguard the assets of such agency(ies), check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency(ies).

NAME OF PUBLIC AGENCY

TYPED NAME OF FINANCIAL OFFICER	SIGNATURE	DATE

SECTION II. STATEMENT OF PUBLIC ACCOUNTANT *(If applicant is a Private-nonprofit Agency or a Public Agency whose accounting system will not be maintained by a Public Agency.)*

I am a certified or duly licensed public accountant and have been engaged to examine and report on the financial accounts of the _____, which is a private-nonprofit organization
(NAME OF APPLICANT)
(or public agency) carrying out an OEO program in _____
(NAME OF COMMUNITY)
I have reviewed the accounting system that this agency has established and, in my opinion, it includes internal controls adequate to safeguard the assets of the agency, check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency.

NAME OF FIRM

TYPED NAME OF ACCOUNTANT	SIGNATURE	DATE

OEO FORM 380 JAN 72 GSA DC 77 [illegible]

[FR Doc. 79-31366 Filed 10-10-79; 8:45 am]
BILLING CODE 6315-01-C

Reader Aids

Federal Register

Vol. 44, No. 198

Thursday, October 11, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders (GPO)
202-275-3054	Subscription problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Finding Aids
523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
523-5227	Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266 -5282	Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, OCTOBER

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

52825 9–11–79 / Direct food substances generally recognized as safe; propyl gallate

POSTAL SERVICE

52832 9–11–79 / Enforcement and suspension of the private express statutes

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing October 10, 1979