AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 43—No. 137
7-17-78
PAGES
30531-30785

federal register

MONDAY, JULY 17, 1978



highlights

SUNSHINE ACT MEETINGS 30644

FEDERAL CORRECTIONAL INSTITUTIONS
Justice/Bureau of Prisons proposes regulations concerning control, custody, care, treatment, and instruction of inmates; comments by 9-15-78 30574

NONDISCRIMINATION ON THE BASIS OF HANDICAP
DOT/Secy extends comment period and schedules additional hearings; comments by 10-20-78 (republication) 30585

MOTOR VEHICLE SAFETY
DOT/NHTSA announces effective dates for implementation of a uniform tire quality grading regulation as 3-1-79 for bias ply tires and 9-1-79 for bias-belted tires 30586
DOT/NHTSA proposes modification of the uniform tire quality grading regulation; comments by 8-16-78 30542
DOT/NHTSA establishes temperature requirements for certain tire testing, effective 7-17-78 30541

RAILROADS AND BUS COMPANIES
ICC provides accounting and reporting regulations for certain transfers of cash and other assets from Federal, State, or local governments; effective beginning 1-1-78 30558

SMALL BUSINESS
SBA provides special procedure for determining size standards for bidding on Government procurements; effective 7-17-78 30533

GOLD JEWELRY
FTC amends trade practice rules to prohibit the use of the term "gold" in connection with certain jewelry items; effective 8-16-78 30538

NUCLEAR WASTE MANAGEMENT
DOE announces series of public meetings and discussions 30612

SMALL PASSENGER VESSELS
DOT/CG amends regulations regarding expiration date stickers; effective 8-16-78 (Part IV of this issue) 30771

FEDERAL SAVINGS AND LOAN SYSTEM
FHLBB proposes to reduce and simplify regulations; comments by 9-13-78 (Part III of this issue) 30730

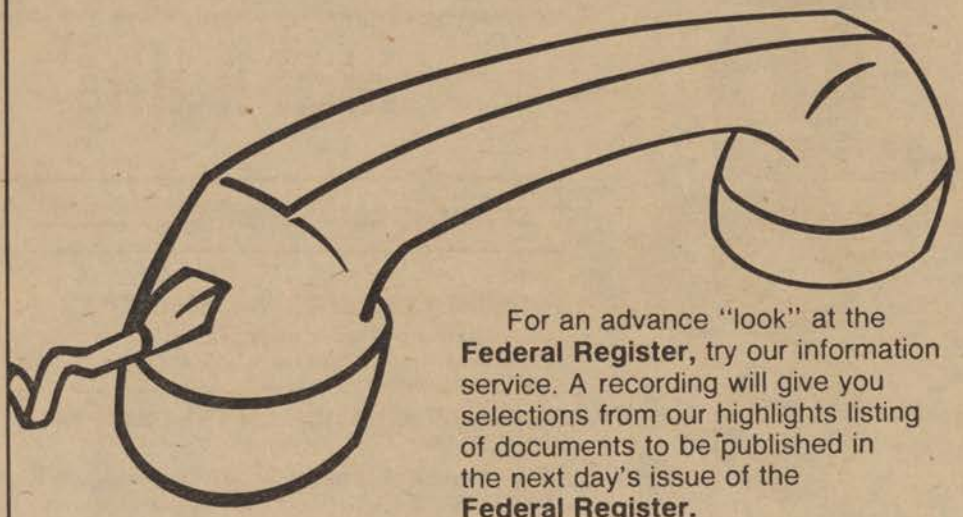
RESCISSIONS AND DEFERRALS
OMB issues cumulative report for July (Part V of this issue) ... 30774

PUBLIC HEALTH
HEW/HRA provides a list of health manpower shortage areas (Part II of this issue) 30648

CONTINUED INSIDE

dial·a·reg

Now available in Chicago



For an advance "look" at the **Federal Register,** try our information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the **Federal Register.**

312-663-0884

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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:

Subscription orders (GPO)	**202**-783-3238
Subscription problems (GPO)	**202**-275-3050
"Dial - a - Reg" (recorded summary of highlighted documents appearing in next day's issue).	
Washington, D.C.	**202**-523-5022
Chicago, Ill	**312**-663-0884
Los Angeles, Calif	**213**-688-6694
Scheduling of documents for publication.	**202**-523-3187
Photo copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR)	523-3419
	523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers	523-5266
	523-5282
Slip Laws	523-5266
	523-5282
U.S. Statutes at Large	523-5266
	523-5282
Index	523-5266
	523-5282
U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

MULTIPURPOSE ARTHRITIS CENTERS PROGRAM

HEW/PHS develops regulations regarding eligibility and administrative requirements for applicants **30583**

INTERSTATE COMMERCE

ICC amends regulation governing restrictions on service by motor common carriers; effective 8-11-78 ..... **30566**

ICC prescribes rules governing the detention of motor vehicles with and without power units and drivers; effective 8-15-78 ... **30563**

MOTOR CARRIERS

ICC proposes exemption from regulation for certain shipments having prior or subsequent movement by maritime carrier; comments by 9-15-78 ..... **30587**

CLEAR SHEET GLASS FROM WEST GERMANY

Treasury/Secy issues notice of tentative determination to modify or revoke dumping finding; effective 7-17-78 ..... **30635**

ROLLER CHAIN FROM JAPAN

Treasury/Secy issues tentative determination to modify or revoke dumping finding; effective 7-17-78 ..... **30635**

CALIFORNIA RAISINS

USDA/AMS proposes amending the Federal marketing agreement and order; comments by 8-4-78 ..... **30567**

THIRD CLASS MAIL

PS proposes amending regulations regarding bulk rate pieces bearing attachments; comments by 8-16-78 ..... **30579**

PRIVACY ACT

DOD/Army amends certain systems of records; comments by 8-16-78; effective 8-16-78 ..... **30594**

MEETINGS—

Commerce/NOAA: North Pacific Fishery Management Council; 8-24 and 8-25-78 ..... **30594**

DOD/Army: Army Science Board Standing Committee on Ballistic Missile Defense; 8-3 and 8-4-78 ..... **30611**

DOE: Consumer Affairs Advisory Committee; 8-3 and 8-4-78 ..... **30611**

HEW/OE: National Advisory Committee on Black Higher Education and Black Colleges and Universities; 8-3 and 8-4-78 ..... **30621**

NRC: Reactor Safeguards Advisory Committee, Anticipated Transients Without Scram; 8-1 and 8-2-78 ..... **30630**

NSF: Subcommittee on Prospective Analyses; 8-6 and 8-7-78 ..... **30625**

Ad Hoc Subcommittee for Review of the International Southern Ocean Studies; 8-2 and 8-3-78 ..... **30625**

CHANGED MEETINGS—

Interior/SMRE: Advisory Committee on Mining Mineral Resources; 8-10 and 8-11-78 ..... **30624**

SEPARATE PARTS OF THIS ISSUE

Part II, HEW/HRA **30648**

Part III, FHLBB **30730**

Part IV, DOT/CG **30771**

Part V, OMB **30774**

contents

AGRICULTURAL MARKETING SERVICE

Proposed Rules

Raisins produced from grapes grown in Calif 30567

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Soil Conservation Service.

ARMY DEPARTMENT

Notices

Meetings:
Army Science Board 30611
Privacy Act; systems of records 30594

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
California / Southwest - Western Mexico route proceeding 30591
Sky West Aviation, Inc 30592

COAST GUARD

Rules

Passenger vessels:
Inspection and certification; expiration date stickers 30771

COMMERCE DEPARTMENT

See Maritime Administration; National Oceanic and Atmospheric Administration.

DEFENSE DEPARTMENT

See Army Department.

EDUCATION OFFICE

Notices

Meetings:
Black Higher Education and Black Colleges and Universities National Advisory Committee 30621

ENERGY DEPARTMENT

Notices

Meetings:
Consumer Affairs Advisory Committee 30611
Nuclear waste management; regional public meetings 30612

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Air quality implementation plans; approval and promulgation; various States, etc.:
North Carolina 30580
Air quality implementation plans; enforcement by State and Federal governments after statutory deadlines:
Ohio 30581
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
0,0-Dimethyl S-((4-oxo-1,2,3-benzotriazin - 3(4H) - yl) methyl) phosphorodithioate 30582

Notices

Environmental statements; availability, etc.:
Agency statements, weekly receipts 30614
Pesticides; intensive scientific review ingredient list, clarification 30613

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Bell 30534
Detroit Diesel Allison 30533
Grumman American 30535
Area high routes 30537
Jet routes 30537
Restricted areas 30536
Transition areas 30535

Proposed Rules

Control zones 30572
Control zones and transition areas 30571
Transition areas 30573

FEDERAL COMMUNICATIONS COMMISSION

Rules

FM broadcast stations; table of assignments:
Maryland and North Carolina 30539
Maritime services, land and shipboard stations:
Editorial amendments 30540

Proposed Rules

Television broadcast stations:
TV towers, common use of; extension of time 30584

Notices

Hearings, etc.:
American Telephone & Telegraph Co 30616
Hosiden Electronics Co., Ltd .. 30618

FEDERAL HOME LOAN BANK BOARD

Proposed Rules

Federal savings and loan system:
Deletion of rules with limited applicability 30730

FEDERAL MARITIME COMMISSION

Notices

Agreements filed, etc 30620
Freight forwarder licenses:
AA Triangle Transfer & Warehouse Co., Inc., et al 30620

FEDERAL RESERVE SYSTEM

Rules

Equal credit opportunity:
Official staff interpretations .. 30531
Truth-in-lending:
Official staff interpretations .. 30531

Notices

Applications, etc.:
Citizens Bancshares, Inc 30620
F.N.B.C. of Lagrange, Inc 30621
First West Fargo Holding Co . 30620
Retirement Research Foundation 30621

FEDERAL TRADE COMMISSION

Rules

Trade practice rules, various industry guides:
Jewelry industry; use of term gold 30538

FISH AND WILDLIFE SERVICE

Proposed Rules

Hunting:
Mingo National Wildlife Refuge, Mo. 30584

Notices

Endangered and threatened species permits; applications (9 documents) 30621-30623
Marine mammal applications, etc.:
Scripps Institution of Oceanography 30623

GENERAL SERVICES ADMINISTRATION

Rules

Procurement, Federal:
Fair and equitable compensation to professional employees under contract; correction 30539

GEOLOGICAL SURVEY

Notices

Coal leasing areas:
Blocker, Okla 30624
Spiro-Bokoshe, Okla 30623

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Proposed Rules

Mortgage-backed securities program; increase of net worth requirements; correction 30574

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Health Care Financing Administration; Health Resources Administration; Public Health Service; Social Security Administration.

HEALTH CARE FINANCING ADMINISTRATION

Proposed Rules

Drugs, maximum allowable cost (MAC); list 30584

HEALTH RESOURCES ADMINISTRATION

Notices

Health manpower shortage areas; designations; list 30648

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Government National Mortgage Association.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Geological Survey; Surface Mining Reclamation and Enforcement Office.

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
- Food slicers 30624

INTERSTATE COMMERCE COMMISSION

Rules

Motor carriers:
- Freight and passenger tariffs and schedules; detention of motor vehicles 30563
- Freight and passenger tariffs and schedules; service restrictions 30566

Rail carriers:
- Abandonment of lines and discontinuance of service 30556
- Railroads and bus companies; accounting and reporting of Government transfers 30558

Proposed Rules

Motor carriers:
- Exemption, single-State, exwater traffic 30587

Notices

Agreements under section 5 a and b, applications for approval, etc.:
- Central States Motor Freight Bureau, Inc 30642

Fourth section applications for relief 30636

Hearing assignments 30636

Motor carriers:
- Temporary authority applications (2 documents) ... 30638, 30642
- Transfer proceedings (4 documents) 30636-30638

Railroad operation, acquisition, construction, etc.:
- South Branch Valley Rail Road 30642

Rerouting of traffic:
- CP Rail 30641

JUSTICE DEPARTMENT

See Prisons Bureau.

MANAGEMENT AND BUDGET OFFICE

Notices

Budget rescissions and deferrals 30774

Clearance of reports; list of requests 30632

MARITIME ADMINISTRATION

Notices

Applications, etc.:
- Aeron Marine Shipping Co. et al 30593

MATERIALS TRANSPORTATION BUREAU

Proposed Rules

Natural and other gas; transportation by pipeline; leak report; extension of time; republication 30590

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Consumer information:
- Tire quality grading, uniform 30542

Motor vehicle safety standards:
- Tire quality grading, uniform; testing temperature 30541

Proposed Rules

Consumer information:
- Tire quality grading, uniform 30586

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Meetings:
- North Pacific Fishery Management Council 30594

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
- Ocean Sciences Advisory Committee 30625
- Policy Research and Analysis and Science Resources Studies Advisory Committee 30625

NUCLEAR REGULATORY COMMISSION

Notices

Abnormal occurrence reports:
- Twelfth report to Congress 30625

Environmental statements; availability, etc.:
- Detroit Edison Co 30626

Meetings:
- Reactor Safeguards Advisory Committee (2 documents) 30630

Applications, etc.:
- Arizona Public Service Co, et al 30629
- Detroit Edison Co., et al 30626
- Iowa Electric Light & Power Co, et al 30627
- Nebraska Public Power District 30627
- Pacific Gas & Electric Co 30627
- Plateau Resources, Ltd 30628
- Tennessee Valley Authority ... 30628

POSTAL SERVICE

Proposed Rules

Postal Service Manual:
- Third class rates, bulk mailers; attachments 30579

PRISONS BUREAU

Proposed Rules

Institutional management 30574

PUBLIC HEALTH SERVICE

Proposed Rules

Grants:
- Multipurpose arthritis centers program; advance notice 30583

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Rules

Joint Tolls Review Board, procedure rules 30538

SMALL BUSINESS ADMINISTRATION

Rules

Small business size standards:
- Certificate of competency applicants on unrestricted procurements 30533

Notices

Applications, etc.:
- Associates Venture Capital Corp 30633

Dadeland Capital Investment Corp 30634
Quidnet Capital Corp 30634
San Jose Capital Corp 30634
Disaster areas:
Georgia 30634
Texas 30634

SOCIAL SECURITY ADMINISTRATION

Proposed Rules

Aged, blind, and disabled; supplemental security income for:
Oral inquiry and written application; filing date; correction 30574

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:
Sullivan Trail Vegetative Treatment RC&D Measure, N.Y 30591

SURFACE MINING RECLAMATION AND ENFORCEMENT OFFICE

Notices

Meetings:
Mining Mineral Resources Research Advisory Committee; date change 30624

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

Notices

Counterfeiting, commercial; inquiry 30633

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration; Saint Lawrence Seaway Development Corporation.

Proposed Rules

Nondiscrimination:
Handicapped in Federally-assisted programs and activities; hearings; extension of time; republication 30585

TREASURY DEPARTMENT

Notices

Antidumping:
Roller chain, other than bicycle, from Japan 30635
Sheet glass, clear, from West Germany 30635

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR

PROPOSED RULES:

989 30567

12 CFR

202 30531
226 30531

PROPOSED RULES:

541 30730
542 30730
543 30730
544 30730
545 30730
546 30730
547 30730
548 30730
549 30730
551 30730
552 30730
555 30730
556 30730

13 CFR

121 30533

14 CFR

39 (3 documents) 30533-30535
71 30535
73 30536
75 (2 documents) 30537

PROPOSED RULES:

71 (3 documents) 30571-30573

16 CFR

23 30538

20 CFR

PROPOSED RULES:

416 30574

24 CFR

PROPOSED RULES:

390 30574

28 CFR

PROPOSED RULES:

524 30574
540 30574
541 30574
544 30574
547 30574
550 30574
551 30574
552 30574
571 30574

33 CFR

403 30538

39 CFR

PROPOSED RULES:

111 30579

40 CFR

PROPOSED RULES:

52 30580
65 30581
180 30582

41 CFR

Ch. 1 30539

42 CFR

PROPOSED RULES:

52j 30583

45 CFR

PROPOSED RULES:

19 30584

46 CFR

176 30771

47 CFR

73 30539
81 30540
83 30540

PROPOSED RULES:

73 30584

49 CFR

571 30541
575 (2 documents) 30541, 30542
1121 30556
1201 30558
1206 30559
1241 30561
1249 30561
1307 30563
1310 (2 documents) 30563, 30566

PROPOSED RULES:

27 30585
191 30590
575 30586
1066 30587

50 CFR

PROPOSED RULES:

32 30584

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

EPA—Fuel Economy Labeling Procedures for 1979 and Later Model Year Automobiles.. 21412; 5-17-78—26722; 6-22-78
FCC—FM broadcast stations; table of assignments:
Ada, Okla 26022; 6-16-78
Clovis, N. Mex 25344; 6-12-78
HEW/FDA—Product recalls; guidelines 26202; 6-16-78

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: July 14, 1978]

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

1 CFR

302 28805
303 28806
465 30035

3 CFR

EXECUTIVE ORDERS:

July 2, 1910 (Revoked in part by PLO 5643) 29294
April 21, 1914 (Revoked in part by PLO 5643) 29294
11652 (Revoked by EO 12065) 28949
11714 (See EO 12065) 28949
11861 (Amended by EO 12069) 28973
11862 (See EO 12065) 28949
12065 28949
12066 28965
12067 28967
12068 28971
12069 28973
12070 28977
12071 32059

MEMORANDUMS:

June 30, 1978 29259

ORDERS:

June 28, 1978 28963

PROCLAMATIONS:

4576 28975
4577 29261
4578 30033

5 CFR

213 ..... 29763, 30263

7 CFR

2 28979
27 29263
230 29263
246 29263
271 29264
301 28979
729 28986
760 30264
905 29525
908 ..... 29101, 30036
910 ..... 29264, 29931, 30267
915 30036
916 ..... 29265, 30267
917 ..... 29526, 30267
918 ..... 28808, 29931
921 28996
922 28996
923 ..... 28996, 28997
924 28996
929 ..... 29763, 29764
944 29932
945 28808
948 29266
1421 29267
1427 30037
1464 29766
1480 29926
1488 29932
1980 29933

7 CFR—Continued

PROPOSED RULES:

29 29129
282 ..... 29950, 30290
958 28816
967 30066
989 30567
1133 30066
1424 29130
1464 28817
1701 29009
1933 29565

8 CFR

231 30268
242 29526

9 CFR

94 30269
202 30510
312 29268
316 29268
331 29269

10 CFR

1 ..... 28809, 30270
20 29270
205 29528
210 29131
211 29131
212 29131

PROPOSED RULES:

11 29009
35 29297
50 29009
70 29009
110 30294
210 ..... 29298, 29565
211 ..... 29298, 29565
212 ..... 29298, 29565

12 CFR

202 30531
207 30038
215 30039
221 30038
226 30531
701 29270
721 29270

PROPOSED RULES:

25 29918
225 29796
228 29918
345 29918
541 30730
542 30730
543 30730
544 30730
545 30730
546 30730
547 30730
548 30730
549 30730
551 30730

12 CFR—Continued

PROPOSED RULES—Continued

552 30730
555 30730
556 30730
563e 29918
615 29010

13 CFR

120 ..... 29101, 29271
121 30533

PROPOSED RULES:

107 30067

14 CFR

39 ..... 29102, 29103, 29553, 30039, 30040, 30533-30535
71 ..... 28810, 28811, 29104, 29554, 29555, 30041, 30042, 30535
73 ..... 28811, 28813, 30043, 30536
75 ..... 30043, 30044, 30537
97 30044
300 29933
1201 29556
1209 29105

PROPOSED RULES:

Ch. II 29011
39 29583-29585
71 ..... 28817, 29131, 30068, 30571-30573
121 30068
371 30295
372a 30295
373 30295
378 30295
378a 30295

15 CFR

368 29272
369 29078
370 29272
371 28998
373 29273
378 29273
379 29273
399 29273
923 29106

16 CFR

13 29557
23 30538
419 28998

PROPOSED RULES:

13 ..... 29304, 29797, 30297
1306 29011

17 CFR

201 28999
211 ..... 29109, 29936
240 ..... 29110, 29767, 30270

PROPOSED RULES:

210 29954

19 CFR

101 30288
132 29112
210 29275

20 CFR

404 ..... 29275, 29937, 30046
416 ..... 29277, 29281, 29937, 30271

PROPOSED RULES:

404 29955
416 ..... 29311, 29955, 30574

21 CFR

5 ..... 29285, 29286
14 30271
131 29769
155 30272
177 29287
182 29287
186 29287
193 29557
510 29290
520 30274
522 ..... 29288, 29769
524 ..... 29289, 29770
529 29290
558 ..... 29290, 30275
561 29557
660 29291

PROPOSED RULES:

16 29804
20 29804
102 30472
155 30299
156 30299
182 30300
186 30300
369 29316
436 30302
469 30302
505 29316
536 29316
539 29316
548 29316
680 30302
812 29804
1020 30303

24 CFR

203 29113
205 29113
207 29113
213 29114
220 29114
221 29114
232 29114
234 29114
235 29114
236 29114
241 29115
242 29115
244 29115
250 29115
300 30276
1720 29494

PROPOSED RULES:

Ch. XIII 30030
221 30498
390 30574
811 30498

24 CFR—Continued

PROPOSED RULES—Continued

880 30498
881 30498
1710 29804
1715 29804

25 CFR

43h 29115
221 ..... 29771, 29939
258 30047

PROPOSED RULES:

161 29317

26 CFR

1 ..... 29291, 29939
301 29291
404 29115

PROPOSED RULES:

1 ..... 29132, 29317, 30306-30308
20 30070
55 29317
301 30308

27 CFR

201 28999
252 28999

28 CFR

PROPOSED RULES:

524 30574
540 30574
541 30574
544 30574
547 30574
550 30574
551 30574
552 30574
571 30574

29 CFR

519 29000
870 30276
1203 30053

PROPOSED RULES:

97 29098

30 CFR

40 29508
41 29510
43 29513
44 29516
81 29508
82 29510

PROPOSED RULES:

11 29339
70 29339
71 29339
75 29339
90 29339
730 29012
735 29012
781 29012
820 29012
822 29012

31 CFR

PROPOSED RULES:

10 29969

32 CFR

643 29748
706 29942

PROPOSED RULES:

553 30075

32A CFR

PROPOSED RULES:

1901 28818
1902 28818
1903 28818

33 CFR

117 30053
127 29558
207 30054
290 30222
291 30222
292 30222
293 30222
294 30222
295 30222
393 30222
403 30538

PROPOSED RULES:

80 30256
90 30256

36 CFR

PROPOSED RULES:

7 30313

38 CFR

36 29000

PROPOSED RULES:

3 28824
4 28826

39 CFR

111 ..... 29943, 30054
221 29117
222 29117
223 29117
224 29118
225 29119

PROPOSED RULES:

111 30579
224 29134
602 29134

40 CFR

52 29559
180 ..... 29120, 29293, 29946
440 29771
712 29001
762 29001

PROPOSED RULES:

50 30315
52 ..... 30075, 30580
62 ..... 29585, 29805
65 ..... 29013, 29015, 29805, 29807, 30581
120 30076
130 29588
141 29135
162 29696
163 29696
180 ..... 29809, 30314, 30582

40 CFR—Continued

PROPOSED RULES—Continued

181 29696
250 29908

41 CFR

Ch. 1 30539
29-50 29781
101-14 30055
101-15 30055
101-20 29001
101-25 29003
101-26 29005
101-43 30056

42 CFR

36 29783
58 29783
300 29005
304 29005
405 30526
449 30527
450 30527
460 29005
481 30528

PROPOSED RULES:

52j 30583
448 29970
450 29311
460 29016

43 CFR

20 29122
4100 29067
4200 29062
4300 29065
4700 29076
9230 29076

PUBLIC LAND ORDERS:

5641 29294
5642 29294
5643 29560
5644 30277

PROPOSED RULES:

3200 29811
3220 29811
3600 29150
6290 29412

45 CFR

164 30277
304 29787
1061 30279
1067 29123

PROPOSED RULES:

19 30584
205 29311
1061 29017

46 CFR

176 30771

47 CFR

0 29006
1 29560
73 30539
81 30540
83 ..... 29295, 30540
87 29562
89 30057
91 ..... 29006, 30057
93 29006

PROPOSED RULES:

73 ..... 29017, 29018, 29151, 29152, 29592, 30078, 30079, 30584
74 30080
83 28840

49 CFR

173 30057
178 29562
179 30057
395 29295
567 ..... 28814, 29124
568 28814
571 30541
575 ..... 30541, 30542
1033 ..... 29007, 29008, 29124-29126
1106 29946
1109 29296
1121 30556
1125 30062
1201 30558
1206 30559
1241 30561
1249 30561
1307 30563
1310 ..... 30563, 30566

PROPOSED RULES:

27 ..... 30316, 30585
191 ..... 29811, 30590
512 28841
531 30081
575 30586
1057 29812
1066 30587

50 CFR

17 28932
26 ..... 29296, 29563
280 29788
285 29787
611 ..... 29127, 29949, 30065
661 29791

PROPOSED RULES:

17 ..... 28841, 28938, 29019, 29152, 30316
32 30584
652 29818
810 29470

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
28805-28963	July 3	29525-29761	10	30033-30257	13
28965-29100	5	29763-29930	11	30259-30529	14
29101-29257	6	29931-30031	12	30531-30785	17
29259-29524	7				

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. B; EC-0011]

PART 202—EQUAL CREDIT OPPORTUNITY

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official staff interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretation of regulation B, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: On or after August 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2761.

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR Part 261.6.

(2) An opportunity for public comment on an official staff interpretation may be provided upon request of interested parties and in accordance with 12 CFR Part 226.1(d)(2)(ii). As provided by 12 CFR Part 226.1(d)(3) every request for public comment must be in writing, should clearly identify the number of the official staff interpretation in question, should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 and must be postmarked or received by the Secretary's office before the effective date of the interpretation. The request must also state the reasons why an opportunity for public comment would be appropriate.

(3) 15 U.S.C. 1640(f).

[EC-0011]

Section 202.1(a), Act § 502, regulation B does not apply to lending operations conducted outside U.S., where lender is incorporated outside U.S. and applicants reside abroad.

JUNE 22, 1978.

This is in response to your letter dated . . . , in which you present a question concerning the extraterritorial applicability of regulation B and the Equal Credit Opportunity Act.

Your question is based on the following facts. A number of persons whom you represent intend to organize a corporation for the purpose of making loans to intrepreneurs in less developed countries. In particular, evangelical Christian entrepreneurs are expected to receive such loans, because the organizers of the corporation believe that Christians, due to their minority status in many less developed countries, are presently subject to credit discrimination. The corporation will be incorporated in a foreign jurisdiction, and all of its lending activities will be carried on outside the United States. Some of the corporation's organizers, directors, and shareholders will be U.S. citizens and residents. Loans will be made both to non-U.S. citizens and to U.S. citizens residing abroad. You ask whether the act and regulation B would apply to these lending activities.

Regulation B does not contain a statement of its territorial scope. The same is true of the act itself. Thus, it is necessary to consider the general principles relating to the extraterritorial effect of U.S. laws, as well as the purposes of the act.

In general, the courts have held that Federal statutes do not apply beyond the boundaries of the United States, subject, however, to a number of exceptions. One such exception is that U.S. laws may apply to acts that take place on foreign soil but that have effects within the United States. Under this principle, for example, the antitrust laws are held to apply to agreements made outside the United States but having domestic effects. In the case you describe, however, the lending operations in question would appear to have little, if any, effect within the United States.

Another exception to the rule of territorial applicability is that a Federal statute may apply outside the United States if such was the legislative intent. The legislative history of the act and the 1976 amendments thereto does not reveal any conclusive evidence that Congress intended the act to have extraterritorial application. In addition, § 502 of Pub. L. 93-495, the act's declaration of purpose, indicates that Congress found that eliminating discrimination in credit would promote economic stabilization and competition among credit grantors. This suggests that the focus of the act is on the domestic economy. As you point out, public information letter No. 654 concerning regulation Z expresses similar reasoning with regard to the Truth in Lending Act. The staff believes that this reasoning is applicable to the Equal Credit Opportunity Act as well.

For the reasons set forth above, the staff is of the opinion that the Equal Credit Opportunity Act and regulation B will not apply to the lending activities previously described. In the case you present, of course, the proposed credit transactions will have few contacts with the United States. If there were more contacts or the transactions affected the domestic economy, then the result might well be different. In addition, the act and the regulation would apply to any credit transaction that is structured so as to take place abroad for the purpose of evading the requirements of the act and the regulation.

In accordance with your request, this is an official staff interpretation of regulation B issued pursuant to § 202.1(d)(2). It will become effective 30 days after publication in the FEDERAL REGISTER unless a request for public comment, made in accordance with the Board's procedures, is received and granted. We will notify you if the effective date of the interpretation is suspended.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

Board of Governors of the Federal Reserve System, July 10, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-19505 Filed 7-14-78; 8:45 am]

[6210-01]

[Reg. Z; FC-0150]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretation of regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: On or after August 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve

System, Washington, D.C. 20551, 202-452-2761.

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR Part 261.6.

(2) An opportunity for public comment on an official staff interpretation may be provided upon request of interested parties and in accordance with 12 CFR Part 202.1(d)(2)(ii). As provided by 12 CFR Part 202.1(d)(3) every request for public comment must be in writing, should clearly identify the number of the official staff interpretation in question, should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 and must be postmarked or received by the Secretary's office before the effective date of the interpretation. The request must also state the reasons why an opportunity for public comment would be appropriate.

(3) 15 U.S.C. 1691(b).

[12 CFR PART 226, FC-0150]

§ 226.15(b) Permissible methods of disclosing sales taxes in open end vehicle leases.

§ 226.15(b)(15) Permissible methods of disclosing sales taxes in open end vehicle leases.

§ 226.1501 Permissible methods of disclosing sales taxes in open end vehicle leases.

JUNE 27, 1978.

This is in response to your letter of * * *, in which you requested an official staff interpretation of regulation Z concerning the disclosure of sales taxes in open end lease transactions. Specifically, you inquired whether sales tax on the leased vehicle in an open end vehicle lease must be included in the total of scheduled periodic payments under the lease or the total payment required at consummation, and, therefore, as a component of the total lease obligation as defined in § 226.2(rr).

You seek clarification of a statement in Official Staff Interpretation FC-0082, which quoted from the FEDERAL REGISTER notice that accompanied the issuance of the final amendments to regulation Z implementing the Consumer Leasing Act. It stated that, for purposes of the definition of total lease obligation, the term " 'scheduled periodic payments under the lease' includes that portion of the payments attributable to depreciation, cost of money, lessor's profit and taxes." This treatment of sales taxes is specifically permitted by Interpretation § 226.1501 (see Item 4(a) and the instructions pertaining to it). You question whether the sales taxes must always be included in the scheduled periodic payments under the lease or whether the disclosure policy permitted in Interpretation § 226.1501 and enunciated in FC-0082 is permissive.

You cite a number of State law provisions that you feel affect the market practices of lessors in determining the method of payment of the sales tax and make a permissive disclosure policy necessary. Your examples concern the States of Illinois and California and illustrate differing requirements for payment of sales taxes on leased vehicles. Illinois requires that sales tax in a lease transaction be paid at consummation (which generally results in the lessor paying the tax for the lessee and capitalizing it over the term), while California permits it to be collected either at consummation or upon the making of each lease payment.

Congressional intent concerning the disclosure required by § 226.15(b)(15)(i), as set forth in a committee report (Senate Committee on Banking, Housing, and Urban Affairs, Consumer Leasing Act of 1976, S. Rep. No. 94-590 (1976)), was that the lessee would have a readily understandable method of comparison of the cost of one lease with another or with the cost of buying the same property for cash or on credit. The report stated, in pertinent part:

Under subsection 182(9), in addition, the lessor must calculate and disclose the difference between the total lease obligation and the market value of the goods at the inception of the lease. These figures then will provide an easy comparison between the cost of the lease and the cost of an outright cash purchase, and the differential figure provides a rough comparison to the amount of finance charge which would be involved in a credit purchase. The consumer lessee therefore will have at hand the essential data to compare leases, and to evaluate alternatives to leasing.

It would be useful to provide four different examples which, the staff believes, illustrate the possible methods of disclosure of the sales tax. The staff believes that the first three examples permit the type of comparison envisioned by Congress among the different alternatives available to the potential lessee.

Value at consummation (VC) as defined in § 226.2(ss), exclusive of sales tax: $4,800

Sales tax: $300

Total lease obligation (TLO) as defined in § 226.2(rr), consisting of total of scheduled periodic payments ("total of basic monthly payments," item 6 in Interpretation § 226.1501), initial payments and estimated value at end of term: $6,400

EXAMPLE I

Sales tax excluded from VC, and included in TLO as part of the basic monthly payment, as permitted by § 226.1501.

TLO	$6,700
VC	−4,800
"Difference"	1,900

(§ 226.15(b)(15)(i))

Example I is a permissible method of disclosing the sales tax. It represents the type of transaction in which the sales tax is not capitalized but is paid over the term of the lease by including the pro rata portion of the sales tax in each of the monthly payments. This is the type of payment disclosure specifically permitted by the sample disclosure form set forth in Interpretation § 226.1501. (See the specific instructions to Item 4 which state that Item 4(a), "Basic Monthly Payment," includes sales/use taxes on the monthly payment.) You state that this is the prevalent method of disclosure in California.

EXAMPLE II

Sales tax included in VC and TLO and capitalized as part of the scheduled payments.

TLO	$6,700
VC	−5,100
"Difference"	1,600

EXAMPLE III

Sales tax excluded from VC and TLO, paid monthly but not capitalized.

TLO	$6,400
VC	−4,800
"Difference"	1,600

Example II represents the type of transaction in which the lessor and lessee agree to capitalize the sales tax (which results in the tax being paid over the term of the lease) and is believed by you to be the prevalent method of disclosure in Illinois. Example III is a type of transaction in which the lessor, for convenience, collects the tax on a monthly basis from the lessee and passes it on to the appropriate governmental body, but does not capitalize it. It is your opinion that this disclosure format is also common in California.

Both examples are permissible methods of disclosure. The treatment of the sales tax in Examples II and III is consistent with the Congressional purpose that the "difference" disclosure facilitate the comparison between the relative costs of credit sales and leases. The amount of the sales tax in Example II is included in both the value at consummation and (because it is capitalized) in the total lease obligation. It is comparable to a credit sale transaction in which the tax is included in the "cash price" and "amount financed." In Example III, the amount of the sales tax is excluded from both the value at consummation and the total lease obligation, which is analogous to a credit sale transaction in which taxes are excluded from the cash price and are not financed.

EXAMPLE IV

Sales tax included in VC, but excluded from TLO.

TLO	$6,400
VC	−5,100
"Difference"	1,300

Example IV is an impermissible method of disclosure because it does not accurately reflect how the sales tax is to be paid and consequently distorts the "difference" disclosure. As the value at consummation in this example includes the sales tax, it must either reduce the amount to be capitalized over the term (by being paid as an initial payment that must be included in the total lease obligation) or it must be capitalized

over the lease term (which also necessitates its inclusion in the total lease obligation as part of the scheduled periodic payments under the lease). Its exclusion from the total lease obligation cannot be justified in light of its inclusion in the value at consummation.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(2) and limited in its application to the facts and issues discussed herein. It will become effective 30 days after publication in the FEDERAL REGISTER unless a request for public comment, made in accordance with the Board's procedures, is received and granted. We will notify you if the effective date of the interpretation is suspended because such a request is received. I trust this is responsive to your inquiry.

Sincerely,

JANET HART,
Director.

Board of Governors of the Federal Reserve System, July 10, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-19506 Filed 7-14-78; 8:45 am]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 13, Amdt. 22]

PART 121—SMALL BUSINESS SIZE STANDARDS

Size Determinations for Certificate of Competency Applicants on Unrestricted Procurements

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule provides a special procedure to determine the size status of SBA Certificate of Competency (COC) applicants that bid on Government procurements as nonmanufacturers (dealers). This action is necessary because otherwise small nonmanufacturers were being denied Government procurement and were being determined ineligible for the certificate of competency program because they were not supplying a product of a small manufacturer. This change will enable small business to receive a COC for unrestricted Government procurement without regard to the size of the original manufacturer.

EFFECTIVE DATE: July 17, 1978.

FOR FURTHER INFORMATION CONTACT:

John Whitmore, 202-653-6373.

SUPPLEMENTARY INFORMATION: Present SBA regulations require COC applicants to comply with the provisions of 13 CFR Part 121.3-8, which require a size determination be made on each applicant. To be considered a small nonmanufacturer under this section, a concern must have less than 500 employees and also supply the product of a small manufacturer.

This requirement, supplying the product of a small manufacturer, is unduly burdensome and restrictive upon small business. It is our contention that small business, bidding on unrestricted Government procurement contracts, should not be held to a more restrictive standard than the terms of the contract impose on all bidders. This rule will not affect the requirement of supplying the product of a small manufacturer when bidding on set-aside contracts.

These regulations are not issued for proposed rulemaking because such delay would be contrary to public interest. Interested persons are invited to submit written comments, suggestions, or objections regarding these regulations. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Therefore, § 121.3-8(c)(2)(i) is amended by deleting from the second line the words, "or involving the preferential treatment of", and by adding subparagraph (3) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(c) Nonmanufacturing. * * *.

(2)(i) In the case of Government procurement reserved for small businesses, * * *.

* * * * *

(3) A regular dealer, otherwise qualified on an unrestricted procurement, supplying the product of a large business and requiring a Certificate of Competency is deemed to be small if it is independently owned and operated and it alone would enjoy a profit or suffer a loss from the contract.

Dated: July 11, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-19663 Filed 7-14-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-GL-4; Amdt. 39-3264]

PART 39—AIRWORTHINESS DIRECTIVES

Detroit Diesel Allison Model 250-C18/C18A/C18B/C18C/C20/C20B

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires that engine driven fuel pumps part numbers (P/N) 6854292, 6856250, 6857548, 6876803, and 6877719, installed in Detroit Diesel Allison 250-C18 and C20 series engines be inspected and modified as necessary in accordance with the drive shaft spline wear criteria specified herein. This AD is being adopted in response to two recent occurrences of in-flight fuel pump drive spline failures in the 250-C20 series engine. These recent two occurrences are in addition to a total of five other reported failures which have occurred over the past 6 years. Compliance with this AD will significantly reduce the probability of fuel pump failure due to wear which will result in engine flameout.

DATE: Effective—July 20, 1978. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: Copies of Detroit Diesel Allison service information referenced herein may be obtained by contacting: Detroit Diesel Allison, Division of General Motors Corp., P.O. Box 894, Indianapolis, Ind. 46206.

Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Ill. 60018, and at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

W. Ashworth, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION: There recently have been two instances of fuel pump drive spline failure on 250-C20 series turboshaft engines. In each instance engine flameout was experienced.

The cause of failure in each case was determined to be excessive spline wear

on the pump side of the fuel pump drive shaft. Since it has been determined that this condition is likely to exist in fuel pumps on other engines of this type design, an airworthiness directive is being issued which imposes an inspection requirement designed to detect excessive wear, and ultimately a pump modification which eliminates excessive wear in the splines.

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

In accordance with departmental regulatory reform, dated March 23, 1976, an evaluation of the anticipated impacts has been made and it is expected that within a normal range of pertinent considerations the proposal will be neither costly nor controversial.

DRAFTING INFORMATION

The principal authors of this document are W. Ashworth, Flight Standards Division, Great Lakes region, and J. McLaughlin, Office of the Regional Counsel, Great Lakes region.

ADOPTION OF THE AMENDMENT

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

DETROIT DIESEL ALLISON. Applies to 250-C18/250-C18A/250-C18B/250-C18C/250-C20 and 250-C20B engines equipped with fuel pump P/N's 6854292, 6856250, 6857548, 6876803, 6877719, installed in aircraft certificated in all categories.

Compliance required as follows unless previously accomplished: To preclude possible engine flameout resulting from fuel pump drive spline failure: Remove and inspect the fuel pump drive splines in accordance with the procedures specified in Detroit Diesel Allison commercial service letter 61 for the 250-C18 series engines and 1007 for the 250-C20 series engines, revision 3 or later FAA approved revisions and the compliance times specified in (a) and (b) below.

(a) For fuel pumps with 200 or more hours time in service on the effective date of this AD, compliance is required within 25 hours time in service and again each 200 hours time in service thereafter.

(b) For fuel pumps with less than 200 hours time in service on the effective date of this AD, compliance is required prior to reaching 225 hours time in service and again each 200 hours time in service thereafter.

If the pump drive splines exceed the wear criteria specified in the above commercial service letters the pump shall be removed from service before further flight except that the aircraft may be flown in accordance with FAR 21.197 to a base where the repair can be performed. Unacceptable spline wear may be corrected by replacing worn parts or by modifying the pump in accordance with Detroit Diesel Allison commercial engine bulletins No. 161 for 250-C18 series engines and 1051 for 250-C20 series engines revision 1, or later FAA approved revisions.

All affected fuel pumps shall be modified in accordance with the procedures specified in the above reference commercial engine bulletins and the compliance times specified in (c) through (e) below. Upon completion of this modification the need and requirement for the above recurring inspection is eliminated.

(c) For fuel pumps with less than 1,475 hours time in service on the effective date of this AD, compliance is required prior to reaching 1,500 hours time in service.

(d) For fuel pumps with greater than 1,475 hours time in service after the effective date of this AD, compliance is required within 25 hours time in service.

(e) All fuel pumps disassembled for heavy maintenance or overhaul shall be modified regardless of time in service, before being returned to service.

Operators who have not kept time in service records on individual pumps shall substitute engine hours time in service in lieu thereof.

The Detroit Diesel Allison commercial service information identified in this directive is incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). The Detroit Diesel Allison commercial service information incorporated herein may be obtained upon request to Detroit Diesel Allison, division of General Motors Corp., P.O Box 894, Indianapolis, Ind. 46206. This document may also be examined at the FAA Great Lakes region, 2300 East Devon Avenue, Des Plaines, Ill. 60018, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C. and the Great Lakes region.

This amendment becomes effective July 20, 1978.

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Ill., on June 30, 1978.

WAYNE J. BARLOW,
Acting Director,
Great Lakes Region.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 78-19592 Filed 7-14-78; 8:45 am]

[4910-13]

[Airworthiness Docket No. 75-SW-69; Amdt. 39-3263]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 204B, 205A-1, 212, 214B, 214B-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) to recognize an FAA approved alternate exit design that should be excluded from complying with the AD. The amendment is needed because the FAA as issued supplemental type certificate (STC) SH2769SW for a Bell model 212 and 205A-1 exit design that should not be subject to the AD 77-17-05 requirements. Other alternate exit designs may be approved in the future which should not be subject to the AD requirements.

EFFECTVE DATE: July 17, 1978.

FOR FURTHER INFORMATION CONTACT:

James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Tex., telephone 817-624-4911, extension 516.

SUPPLEMENTARY INFORMATION: This amendment amends amendment 39-3010 (42 FR 41623), AD 77-17-05, that requires adjustment of the emergency exit latch pins, requires addition of inspection holes for the latch pins engagement and labeling of these holes, and requires certain spacers for the exit handle covers on Bell models 204B, 205A-1, 212, 214B, and 214B-1 helicopters. Compliance was initially required within 100 hours after the effective date of the AD and thereafter at intervals not to exceed 300 hours.

After issuing amendment 39-3010, AD 77-17-05, the FAA issued STC SH2769SW for an alternate emergency exit design of the Bell models 205A-1 and 212 helicopters eliminating the latch mechanism and latch pins to secure or release the exit. This exit design and similarly designed exits should, therefore, be excluded from the applicability or effectivity of AD 77-17-05. The FAA is amending amendment 39-3010, AD 77-17-05 by adding a new paragraph to exclude exits with certain design features from the applicability of the AD. Since this amendment recognizes approval of alternate exit designs and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are James H. Major, Aerospace Engineer, Flight Standards Division, and James O. Price, General Attorney, Southwest Region, FAA.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending amendment 39-3010 (42 FR 41623), AD 77-17-05, by adding a new paragraph (e) and information note as follows:

(e) Emergency exit designs approved by the FAA that do not have a latch mechanism and latch pins to secure or release the exit are excluded from the applicability of this AD.

NOTE.—STC SH2769SW has such an exit design.

This amendment becomes effective July 17, 1978.

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on July 3, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-19595 Filed 7-14-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-46; Amdt. 39-3261]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Aviation Corp. Model G-1159

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: There have been two (2) failures of outer pane cabin windows on Grumman American Aviation Corp. (GAAC) model G-1159 aircraft that resulted in engine damage in one case and was the probable cause of engine flameout in the other. Numerous cracked outer panes have also been found. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to require inspection for cracked cabin windows and a reduction in maximum cabin pressure differential.

DATES: Effective July 20, 1978. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable GAAC letter may be obtained from Grumman American Aviation Corp., P.O. Box 2206, Savannah, Ga. 31402, telephone 912-964-3000. A copy of the GAAC letter is located in room 275, Engineering and Manufacturing Branch, Federal Aviation Administration, 3400 Whipple Street, East Point, Ga.

FOR FURTHER INFORMATION CONTACT:

Curtis Jackson, Aerospacae Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7407.

SUPPLEMENTARY INFORMATION: Two failures have occurred of outer pane cabin windows on G-1159 aircraft. On one failure, engine damage occurred when the engine ingested the pane. On the other failure, no engine damage occurred; however, the engine flamed out. No loss of cabin pressure was reported on either incident. Numerous cracked outer window panes on other G-1159 aircraft have been found. Since this situation is likely to exist or develop on other aircraft of the same type design, an airworthiness directive is being issued which requires a preflight inspection of all cabin windows and replacement as necessary and a reduction in maximum cabin pressure differential on affected aircraft.

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

DRAFTING INFORMATION

The principal authors of this document are Curtis Jackson, Aerospace Engineer, Engineering and Manufacturing Branch; and Keith May, Office of the Regional Counsel, FAA, Southern Region.

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:

GRUMMAN AMERICAN AVIATION CORP. (GAAC): Applies to GAAC model G-1159, serial numbers 1 and subsequent, airplanes certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent engine damage, accomplish the following:

1. Prior to the accumulation of 600 landings, or within the next 10 landings after the effective date of this AD, whichever occurs later, accomplish the following:

A. Inspect all outer cabin window panes for cracks (similar in appearance to delamination or cold chipping), paying particular attention to the top and bottom periphery. If any cracks are found, before further flight, replace the cracked windows in accordance with GAAC model G-1159 maintenance manual. This inspection may be performed by the pilot.

B. Restrict airplane operations to a maximum cabin pressure differential of 8.0 psi and install a placard on the instrument panel in full view of the pilot, or in an equivalent location approved by the FAA, utilizing a minimum of three-sixteenths-inch high letters with the wording:

"DO NOT EXCEED A MAXIMUM CABIN PRESSURE DIFFERENTIAL OF 8.) PSI. THE TABLE CONTAINED IN GAAC LETTER DATED JUNE 20, 1978, MAY BE UTILIZED. COMPLY WITH THE INSPECTION REQUIREMENTS OF AD 78-14-06 PRIOR TO EACH FLIGHT."

2. Repeat the inspection and replacement requirements of paragraph (1)(A) of this AD prior to each flight.

3. For the purpose of complying with this AD, subject to acceptance by the 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.

(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 Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga. on June 28, 1978.

WILLIAM J. MCGILL,
Acting Director.

[FR Doc. 78-19598 Filed 7-14-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-GL-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation 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 Owatonna, Minn., to accommodate a new instrument approach procedure into the Owatonna Municipal Airport established pursuant to a request from the Owatonna Municipal Airport officials

to provide that facility with instrument approach capability. 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.

EFFECTIVE DATE: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1,200 feet above ground 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.

DRAFTING INFORMATION

The principal authors of this document are Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On page 9622 of the FEDERAL REGISTER dated March 9, 1978, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of part 71 of the Federal Aviation Regulations so as to designate a transition area at Owatonna, Minn. 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 rulemaking. However, a letter was received from the manager of the Owatonna Municipal Airport which listed items to be considered in establishing approach procedures to the airport. These items were not relevant to this airspace action and have been forwarded to the appropriate FAA office for future consideration.

ADOPTION OF THE 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 September 7, 1978, as follows:

In § 71.181 (43 FR 440), the following transition area is added:

OWATONNA, MINN.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'16" W.), within 1.25 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5.5-mile radius area to 9 miles northwest of the airport; and within 2 miles each side of the 134° bearing from Owatonna Municipal Airport, extending from the Owatonna 5.5-mile radius area to 6 miles southeast of the airport, excluding the portion within the Faribault, Minn. transition area.

(Sec. 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).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Ill., on June 30, 1978.

WAYNE J. BARLOW,
Acting Director,
Great Lakes Region.

[FR Doc. 78-19596 Filed 7-14-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-SO-20]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment relocates restricted area R-5302 northward approximately 4 miles. This action improves flight safety by increasing the width of the access corridor to the Manteo, N.C., Airport.

EFFECTIVE DATE: September 7, 1978.

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:

HISTORY

On June 8, 1978, the FAA proposed to amend part 73 of the Federal Aviation Regulations (14 CFR Part 73) to relocate restricted area R-5302 northward approximately 4 miles (43 FR 24855). This action would return to public use airspace west of Manteo, N.C., Airport. Interested persons were invited to participate in the rulemaking proceedings by submitting comments on the proposal to the FAA. Three comments were received and none stated an objection to the proposal. This amendment is the same as that proposed in the notice. Section 73.53 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 307).

THE RULE

This amendment to part 73 of the Federal Aviation Regulations (14 CFR Part 73) relocates restricted area R-5302 northward about 4 miles. The additional airspace provides more maneuvering area for general aviation aircraft transitioning to/from the Manteo Airport. Currently, these aircraft must maneuver through a two-mile wide corridor between R-5302 and R-5314. This action increases this corridor width to 6 miles. The U.S. Navy has advised that they have complied with the requirement of National Environmental Policy Act of 1969. The FAA has also determined that this airspace action will not have a significant impact on the human environment.

DRAFTING INFORMATION

The principal authors of this document are Mr. Lewis W. Still, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 73.53 of part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 697) is amended, effective 0901 G.m.t., September 7, 1978, and redescribed as follows:

R-5302 HARVEY POINT, N.C.

Boundaries. Beginning at Lat. 36°06'30" N., Long. 76°20'00" W.; to Lat. 36°05'25" N., Long. 76°17'00" W.; to Lat. 36°03'30" N., Long. 76°05'30" W.; to Lat. 36°00'00" N., Long. 76°05'30" W.; to Lat. 36°00'00" N., Long. 76°15'00" W.; to Lat. 36°00'30" N., Long. 76°20'00" W.; thence clockwise via a 3 NM arc centered at Lat. 36°03'30" N., Long. 76°20'00" W.; to point of beginning, excluding the airspace within R-5301A, B, or C, when either or all of these areas are activated.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. 1300Z to 0400Z.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. Fleet Area Control and Surveillance Facility (FACSFAC), NAS Oceana, Va.

(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 11.69.)

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 10, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-19597 Filed 7-14-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-WA-9]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns jet routes No. J-7/J-530 and J-13/J-516 north of Great Falls, Mont., to coincide with direct radials to air navigation aids in Canada. The present designation via radials from Great Falls is approximately one degree different. A recent computation disclosed these values to be erroneous since direct radials were intended to be used when these routes were originally designated. This action corrects that error.

EFFECTIVE DATE: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to part 75 is to redefine J-7, J-13, J-516 and J-530 via direct routes from Great Falls to air navigation aids in Canada. A recomputation of the Great Falls radials required for the direct routes intended for J-7/J-530 and J-13/J-516 was made recently. It has been determined that the radials presently used to define these routes are in error approximately one degree. This action corrects that error by defining the routes direct from point to point. Because this action merely changes the definition of two dual designated routes by one degree, it is a minor matter and one on which the public would have no particular desire to comment. Therefore, notice and public procedure are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 75.100 of part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (43 FR 714) and amended (42 FR 61039) is further amended, effective 0901 g.m.t., September 7, 1978, as follows:

1. Under jet route No. 7 all text after "Great Falls, Mont.;" is deleted and "to Swift Current, Saskatchewan, Canada. The airspace within Canada is excluded." is substituted therefor.

2. Under jet route No. 13 all text after "Great Falls, Mont.;" is deleted and "to Lethbridge, Alberta, Canada. The airspace within Canada is excluded." is substituted therefor.

3. Under jet route No. 516 the text is deleted and "From Great Falls, Mont., to Lethbridge, Alberta, Canada. The airspace within Canada is excluded." is substituted therefor.

4. Under jet route No. 530 the text is deleted and "From Great Falls, Mont., to Swift Current, Saskatchewan, Canada. The airspace within Canada is excluded." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 10, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-19593 Filed 7-14-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-WA-11]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Area High Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the area high route J996R waypoint name "CLARK" to "CARBU." This action is necessary because a similar identification is assigned to a waypoint on another route and a change of one waypoint name is required.

EFFECTIVE DATE: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John Watterson, 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: The purpose of this amendment to part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to change the name of the "CLARK" waypoint to "CARBU" in the area high route description of J996R. Subpart D of part 75 of the Federal Aviation Regulations (14 CFR Part 75) was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 730) and amended (43 FR 17347). On April 24, 1978, the FAA amended subpart D of part 75 of the Federal Aviation Regulations (14 CFR Part 75) by designating area high route J996R CAPE NEWENHAM to AMOTT, effective July 13, 1978. Subsequent to publication of the rule, it was learned that the waypoint name "CLARK" used in the route description of J996R had been previously assigned to a waypoint in another area high route description. This action is required to avoid duplication of waypoint names.

Under the circumstances, the FAA concludes that this action is necessary and that a name change is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Mr. John Watterson, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 75.400 of part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (43 FR 730) and amended (43 FR 17347) is further amended, effective 0901 G.m.t., September 7, 1978, as follows:

Under the description of J996R "CLARK" is deleted and "CARBU" is substituted therefor.

(Secs. 307(a), 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 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on July 10, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-19594 Filed 7-14-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER B—GUIDES AND TRADE PRACTICE RULES

PART 23—JEWELRY INDUSTRY

Use of the Term "Gold"

AGENCY: Federal Trade commission.

ACTION: Final rule.

SUMMARY: The Commission hereby amends the Trade Practice Rules (Guides) for the Jewelry Industry to prohibit the use of the term "gold" in connection with jewelry items composed of alloys of less than 10 karat fineness. The Commission is taking this action because the previous rules did not expressly contain this prohibition.

EFFECTIVE DATE: August 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Edward D. Steinman, Acting Assistant Director for Marketing Abuses, Federal Trade Commission, Washington, D.C. 20580, 202-523-3909.

SUPPLEMENTARY INFORMATION: On June 6, 1977, the Commission published Proposed Amendments to the Trade Practice Rules (Guides) for the Jewelry Industry, 42 FR 29916. The proposed amendments would have allowed the term "gold" to be used in connection with under 10 karat gold jewelry items, and would have allowed "silver" to be used in connection with silver jewelry items under nine hundred and twenty-five one thousandths pure silver. The Commission has determined that such amendments would not be in the public interest.

Reports of tests indicate that gold articles tend to tarnish and corrode at a significantly increased rate when gold content is reduced below the vicinity of 10 karats, but this condition is not discoverable by consumers prior to purchase. Further, many consumers might be deceived or confused with regard to the low gold content of the items in question. The Commission believes that these disadvantages cannot be satisfactorily disclosed to consumers of jewelry products by labeling disclosures (jewelry is too small) or by a tag disclosure (as in the proposed amendments of June 1977).

The purpose of the proposed amendments was to broaden the range of economic alternatives in the marketplace; however, consumers who wish to spend less than the customary price of 10-karat gold jewelry have a wide variety of low cost alternatives, including, inter alia, gold plated, gold filled, gold flashed items, vermeil, and many alloys which are composed of metals other than gold, such as silver, paladium, chrome, and stainless steel.

Regarding silver, consumers may be similarly deceived or confused with regard to the low silver content of the items in question. As with gold jewelry, many lower cost alternatives are available to items composed of nine hundred and twenty-five one thousandths silver.

The Commission has determined that the Trade Practice Rules should be amended to expressly prohibit the term "gold" in connection with items of less than 10 karat fineness, since the previous rules did so only by implication of § 23.22(c)(1), (Rule C(1)). There is no need for a similar amendment concerning silver, since it is clear the term "silver" is allowable only in connection with items which are nine hundred and twenty-five one thousandths pure silver (§ 23.23(b), (rule 23B)).

Accordingly, the Commission hereby amends the Trade Practice rules (Guides) for the Jewelry Industry, 16 CFR Part 23:

1. By adding a new § 23.22(b)(7), (rule 22B(7)) as follows:

§ 23.22 Misrepresentation as to gold content.

* * * * *

(b) * * *

(7) Use of the word "Gold," or any abbreviation thereof, as descriptive of any industry product, or part thereof, which is composed throughout of an alloy of gold of less than 10 karat fineness.

* * * * *

Issued: July 17, 1978.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-19616 Filed 7-14-78; 8:45 am]

[4910-61]

Title 33—Navigation and Navigable Waters

CHAPTER IV—ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION, DEPARTMENT OF TRANSPORTATION

PART 403—RULES OF PROCEDURE OF THE JOINT TOLLS REVIEW BOARD

AGENCY: St. Lawrence Seaway Development Corporation.

ACTION: Final rule.

SUMMARY: The Joint Tolls Advisory Board, which was originally established to hear complaints regarding the interpretation of the tariff of tolls and alleged unjust discrimination arising from the administration of that tariff, will henceforth be called the Joint Tolls Review Board. This rule reflects that name change and is necessary due to a revised memorandum of agreement between the Governments of Canada and the United States which was finalized on March 20, 1978 through an exchange of notes. Section 6 of the revised agreement indicates the name change and also assigns additional responsibilities to the Board. Amendment of part 403 will result in consistency between the rules of procedure and the aforementioned memorandum of agreement.

EFFECTIVE DATE: July 24, 1978.

ADDRESS: St. Lawrence Seaway Development Corporation, Department of Transportation, 800 Independence Avenue SW., Washington, D.C., 20591, 202-426-3574.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert D. Kraft, 202-426-3574.

SUPPLEMENTARY INFORMATION: On May 15, 1978 (43 FR 20820), the FEDERAL REGISTER published proposed amendments to the rules of procedure of the Joint Tolls Advisory Board. As stated above, on March 20, 1978, a revised memorandum of agreement between the Governments of Canada and the United States was finalized relative to the jointly administered tariff of tolls and other matters concerning the St. Lawrence Seaway. Section 6 of the revised agreement provides for the establishment of a Joint Tolls Review Board to hear complaints regarding the interpretation of the tariff of tolls and alleged unjust discrimination arising from the administration of that tariff. The Board also has an added responsibility to conduct an annual review of the tariff and the revenues generated by that tariff in order to evaluate and monitor its sufficiency in meeting the requirements of the two seaway entities. Essentially

the Board is an appeal and review body and it is felt that its new name will more accurately reflect its functions.

After a thorough review, it has been determined that these amendments will not result in any added cost to or impact on the private sector, consumers, or Federal, State and local governments.

No comments were received in response to the Corporation's request for comments. In view of the fact that no comments were received to the contrary, the amendments as published in the notice of proposed rulemaking (43 FR 20820) are hereby issued as a final rule.

As these amendments do not require any action by interested parties but are substantially informational in nature, I find that good cause exists for making them effective in less than 30 days. Therefore part 403 is amended as follows:

1. The title to part 403 is amended to read:

PART 403—RULES OF PROCEDURE OF THE JOINT TOLLS REVIEW BOARD

2. § 403.1 is amended to read as follows:

§ 403.1 Scope of rules [Rule 1].

These rules govern practice and procedure before the Joint Tolls Review Board unless the Board directs or permits a departure therefrom in any proceeding [Rule 1].

3. § 403.2 is revised to read as follows:

§ 403.2 Definitions [Rule 2].

* * * * *

(c) "Board" means the Joint Tolls Review Board;

(d) Words in the singular include the plural and words in the plural include the singular [Rule 2].

§ 403.3 [Amended]

4. In § 403.3, paragraph (c), substitute "Review" for "Advisory" wherever it appears.

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended; Agreement between the Governments of the United States and Canada finalized on March 20, 1978.)

NOTE.—The Corporation has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

For the St. Lawrence Seaway Development Corporation.

D. W. OBERLIN,
Administrator.

[FR Doc. 78-19618 Filed 7-14-78; 8:45 am]

[6820-24]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

APPENDIX—TEMPORARY REGULATIONS

[FPR Temp. Reg. 45]

FAIR AND EQUITABLE COMPENSATION TO PROFESSIONAL EMPLOYEES UNDER FEDERAL CONTRACTS FOR SERVICES; CORRECTION

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: On June 23, 1978, at 43 FR 27235, FPR Temporary Regulation 45 was published in the notices section. That temporary regulation should have been published in the rules and regulations section. The temporary regulation implements Office of Federal Procurement Policy (OFPP) Letter No. 78-2. The policy deals with unwarranted reduction in salary and fringe benefits of professionals that can occur during competition for Government service contracts. The intended effect is to assure equitable compensation for such employees.

DATES: Effective date: The policy set forth in OFPP Letter No. 78-2 is effective April 1, 1978. This implementation of the policy shall be applicable to requests for proposals that are subject to the policy which are issued on or after June 16, 1978. Expiration date: April 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations, 703-557-8947.

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

In 41 CFR Chapter 1, FPR Temporary Regulation 45 is added to the appendix at the end of the chapter.

STANLEY W. BOWERS,
GSA Federal Register Liaison Officer.

[FR Doc. 78-19622 Filed 7-14-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 78-114; RM-2976]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Salisbury, Md. and Rocky Mount, N.C.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns UHF television channel 47 to Salisbury, Md. The assignment would provide for a station which could bring a second local commercial television service to the community. The channel offset on channel 47 in Rocky Mount, N.C., also is being changed from minus to plus in order to make the Salisbury assignment.

EFFECTIVE DATE: August 21, 1978.

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: July 6, 1978.
Released: July 7, 1978.

In the matter of amendment of § 73.606(b), television braodcast stations, Salisbury, Md., BC Docket No. 78-114, RM-2976.

1. The Commission has before it the notice of proposed rulemaking, adopted March 27, 1978, 43 FR 14694, in response to a petition filed by MDV Television Co., Inc. ("petitioner"). The notice proposed the assignment of UHF television channel 47 to Salisbury, Md., and the change of channel offset on unoccupied and unapplied for channel 47 at Rocky Mount, N.C., from minus to plus. Supporting comments were filed by petitioner and by the Citizens' Committee for the Expansion of Commercial Television to the State of Delaware. Comments were also filed by the Association of Maximum Service Telecasters, Inc. ("MST"). Reply comments were filed by Robert J. Hennessy [1] and petitioner.

[1] The original petition for rule making was filed by Robert J. Hennessy d.b.a. MDV Television Co. Jean Paul Audet, indicating that he was executive director of MDV Tele-

Footnotes continued on next page

2. Salisbury (pop. 15,252), seat of Wicomico County (pop. 54,236)[2], is located in eastern Maryland, approximately 8 kilometers (5 miles) south of the Delaware border and 137 kilometers (85 miles) southeast of Washington, D.C. It has one commercial television assignment on which station WBOC-TV (channel 16) operates.

3. Petitioner states the DelMarVa market is over-shadowed (but inadequately served) by three of the top 10 television markets (Philadelphia, Baltimore, and Washington). As a result, petitioner asserts, the DelMarVa Peninsula is not only denied VHF commercial television assignments, but is wholly dependent upon the UHF band for local television service.

4. MST states it does not oppose the addition of channel 47 to Salisbury, provided the assignment is used as a site which meets all minimum distance separation requirements. It asserts that petitioner is seeking FAA approval of a site for the proposed channel at Salisbury which would be short-spaced to the present transmitter location of Station WCMC-TV by 2.15 kilometers (1.32 miles). However, it notes that WCMC-TV has applied (BPCT-5152) to move its transmitter to a site which, if approved, would eliminate the short spacing. MTS states the Commission should specifically state that the channel must be used as a site which will meet all distance separation requirements.

5. In reply, petitioner asserts that it is negotiating for a site approximately 1.9 kilometers (1.2 miles) southwest of the FAA approved location which would comply with the separation requirements to station WCMC-TV. Petitioner states it fully intends to seek and utilize a site consistent with all Commission distance separation requirements.

6. We have carefully considered the record in this proceeding and conclude that it would be in the public interest to assign channel 47 to Salisbury, Md. A demand has been shown for its use and it would provide the community with an opportunity to develop a second local commercial television broadcast service. Any television broadcast station that would operate on channel 47 at Salisbury, Md. would need to comply with the provisions of § 73.610 of the rules.

7. 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 August 21, 1978, the television table of assignments, § 73.606(b) of the Commission's rules, is amended for the cities listed below to read as follows:

Cities and channel No.

Salisbury, Md., 16+, *28−, 47−
Rocky Mount, N.C. 47+

8. *It is further ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-19588 Filed 7-14-78; 8:45 am]

[6712-01]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Editorial Amendments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The Commission is amending its rules to eliminate certain printing errors and to eliminate certain restrictions that no longer apply. These errors and restrictions have been brought to the Commission's attention and this action will correct them.

EFFECTIVE DATE: July 21, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Kemp J. Beaty, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

ORDER

Adopted: July 6, 1978.

Released: July 11, 1978.

In the matter of editorial amendment of parts 81 and 83 of the Commission's rules.

1. Section 81.356 contains a condition of use in the table in paragraphs (a) and (b)(13) which indicates that the frequencies 156.275 MHz and 156.325 MHz are "available on an equal-status basis with 156.300 MHz." This condition was part of the original condition (13) placed into the rules in docket 17295 (FCC 68-740), adopted July 7, 1968, which restricted the availability of channels 65 and 66 until January 1, 1973. This was to afford protection to channel 6 (156.3 MHz) until new, more stringent standards on frequency tolerance went into effect. When the January 1, 1973, date passed the entire condition (13) should have been deleted, but inadvertently the last clause, which still appears in the rules, was not. This condition is not necessary any longer and we are deleting it from the rules. In addition, the frequency 156.675 MHz has a condition of use listed showing that it is being used as a VTS frequency, which is an error. That condition of use should be applied to 156.7 MHz. We are correcting that error.

2. Recently the Commission reviewed the requirements which we place on members of the public to provide multiple copies of forms and reports. We discovered that there was little need for more than one application form, so we are therefore amending § 81.24(d) to delete the requirement for an original and copy of all applications in most cases.

3. Section 83.362(b) refers to a nonexistent § 81.365(a). This section should refer to § 81.360(b). We are correcting this error.

4. Authority for this amendment is contained in sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Since the amendment is editorial in nature and the provisions in these sections are no longer applicable the public notice, procedure, and effective date provisions of 5 U.S.C. 553 do not apply.

5. In view of the above, *It is ordered*: That the rule amendment set forth below is adopted effective July 21, 1978.

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

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHTWARDT,
Executive Director.

Parts 81 and 83 of chapter I of title 47 of the Code of Federal Regulations are amended to read as follows:

A. Part 81—Stations on Land in the Maritime Services.

Footnotes continued from last page

vision Co., Inc., filed additional materials regarding the proposed assignment stating that MDV Television Co., Inc., a Maryland corporation, was the successor of Robert J. Hennessy, d.b.a. MDV Television Co. Robert J. Hennessy disputes this, stating he has no connection with MDV Television Co., Inc. Since our interest here is only in the assignment of the channel for which a demand has been shown, we believe any questions which might arise about the occurrence of this situation should be dealt with at the application stage.

[2] Population figures are taken from the 1970 U.S. Census.

1. In § 81.24, paragraph (d) is amended to read as follows:

§ 81.24 Application precedent to authorization.

* * * * *

(d) Unless otherwise provided by this section, or as specified in a particular case or with respect to a particular form, each application shall be filed in original only to the Commission's main office in Washington, D.C.

* * * * *

2. In § 81.356, paragraph (a) the table under "Port Operations" is amended to read as follows and paragraph (b)(13) is deleted and designated [Reserved]:

§ 81.356 Assignable frequencies in the band 156–162 MHz.

(a) * * *

PORT OPERATIONS

*	*	*	*	*
65	156.275	156.275	do	
66	156.325	156.325	do	
*	*	*	*	*
73	156.675	156.675	do	
14	156.700	156.700	do	1
*	*	*	*	*

* * * * *

(b) * * *

(13) [Reserved]

B. Part 83—Stations on Shipboard in the Maritime Services. In § 83.362, paragraph (b) is amended to read as follows:

§ 83.362 Frequencies below 3000 kHz for safety, business, and operational purposes.

* * * * *

(b) Use of 2738 kHz, 2830 kHz and 2214 kHz as specified in paragraph (a) of this section will be subject to the same conditions under which they are authorized to be used by limited coast stations under the provisions of § 81.360(a) of this chapter.

* * * * *

[FR Doc. 78-19579 Filed 7-14-78; 8:45 am]

[4910-59]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71-18, Notice 10; Docket No. 25, Notice 25]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

PART 575—CONSUMER INFORMATION REGULATIONS

Temperature for Tire Testing

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This notice establishes a uniform tire testing temperature for the test requirements of the Uniform Tire Quality Grading regulation and the Federal motor vehicle safety standard for non-passenger-car tires. This amendment simplifies existing requirements by permitting various tire tests to be conducted at the same temperature.

EFFECTIVE DATE: July 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Arturo Casanova III, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1715.

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) proposed on March 3, 1977 (42 FR 12207), to amend the ambient temperature conditions for tire testing contained in Standard No. 119, "New Pneumatic Tires for Vehicles Other Than Passenger Cars." (49 CFR 571.119), and in part 575, "Uniform Tire Quality Grading" (49 CFR 575.104) (UTQG). The purpose of this proposed amendment was to harmonize existing tire testing temperatures as requested by the Goodyear Tire and Rubber Co. The ambient temperatures were previously specified as follows:

Standard No. 109: "100±5° F."
Standard No. 119: "any temperature . . . up to 100° F."
UTQG: "at 105° F."

In the notice of proposed rulemaking, the agency proposed to amend Standard No. 119 and UTQG to reflect the tire temperature utilized in Standard No. 109 (100±5° F.). As an alternative method of expressing the test temperature, the NHTSA proposed to amend the standards to specify "any temperature up to 95° F.

Five comments were received in response to that proposal. All comments favored the proposed amendment that would have instituted a 100±5° F. temperature. The Vehicle Equipment Safety Commission did not take a position on this proposal.

After consideration of the issues involved in the proposal and review of the comments, the agency has determined that the test temperature should be expressed as "any temperature up to 95° F." Accordingly, Standard No. 119 and UTQG are amended to specify temperature testing at "any temperature up to 95° F." It is the NHTSA's opinion that the 95° F. test temperature is in effect the same test temperature as would be achieved by using the 5-degree tolerance (100±5).

The NHTSA has often stated in interpretations on similar issues that the use of tolerances in safety standards reflects a misunderstanding of the legal nature of the safety standards. Standards are not instructions, but performance levels that vehicles or equipment are required by law to be capable of meeting. Any tolerance in this context would be meaningless and misleading, since it would merely have the effect of stating a performance level that the equipment must meet when tested by the government, but in a confusing manner.

Recognizing that no measurement is perfectly precise, a manufacturer's tests should be designed to show, using tire testing temperature as an example, that his tires will comply with the requirements at exactly 95° F. This may be done in at least two ways: (1) By using a test method that corresponds so closely to the required temperature that no significant differences could occur as a result of differences between the actual temperature and the specified one; or (2) by determining which side of the specified temperature is advese to the product tested, and being sure that the actual temperature of the test differs from the specified one on the adverse side.

The amendment of Standard No. 119 and UTQG to reflect the 95° F temperature creates a different temperature phraseology for those standards than exists in Standard No. 109 which still has the 100±5° F temperature. As stated earlier, the NHTSA considers the Standard No. 109 temperature tolerance to mean in actuality "any temperature up to 95° F". However, since modification of that standard was not proposed in the earlier notice, the agency does not amend it in this final rule. However, the agency intends to issue an interpretive amendment that will amend Standard No. 109 to adopt the alternative expression for tire temperature testing (any temperature up

to 95° F) unless objections are received.

In accordance with Departmental policy encouraging analysis of the impact of regulatory actions upon the public and private sectors, the agency has determined that this modification will result in no appreciable safety gains or losses. These amendments may result in slightly lower costs for tire temperature testing since all temperatures will be uniform.

Since these amendments relieve restrictions and impose no additional burdens, it is found for good cause shown that an immediate effective date is in the public interest.

In consideration of the foregoing, the following amendments are made in Parts 571 and 575 of Title 49, Code of Federal Regulations:

1. Paragraphs S7.1.2 and S7.4(c) of 49 CFR 571.119 are amended to read:

§ 571.119 Standard No. 119; New pneumatic tires for vehicles other than passenger cars

* * * * *

S7.1.2 The tire must be capable of meeting the requirements of S7.2 and S7.4 when conditioned to any temperature up to 95° F for 3 hours before the test is conducted, and with an ambient temperature maintained at any temperature up to 95° F during all phases of testing. The tire must be capable of meeting the requirements of S7.3 when conditioned at any ambient temperature up to 70° F for 3 hours before the test is conducted.

* * * * *

S7.4 *High Speed Performance.*

* * * * *

(c) Remove the load, allow the tire to cool to 95° F, and then adjust the pressure to that marked on the tire for single tire use.

* * * * *

2. In 49 CFR 571.104, paragraphs (g)(2), (g)(5), and (g)(8) are amended to read:

§ 575.104 Uniform tire quality grading standards

* * * * *

(g) * * *

(2) Condition the tire-rim assembly to any temperature up to 95° F for at least 3 hours.

* * * * *

(5) During the test, including the pressure measurements specified in paragraphs (g)(1) and (g)(3) of this section, maintain the temperature of the ambient air, as measured 12 inches from the edge of the rim flange at any point on the circumference on either side of the tire at any temperature up to 95° F. Locate the temperature sensor so that its readings are not affected by heat radiation, drafts, variations in the temperature of the surrounding air, or guards or other devices.

* * * * *

(8) Remove the load, allow the tire to cool to 95° F or for 2 hours, which ever occurs last, and readjust the inflation pressure to two pounds per square inch less than the tire's maximum permissible inflation pressure.

* * * * *

The program official and lawyer principally responsible for the development of this rulemaking document are Arturo Casanova and Roger Tilton, respectively.

(Secs. 103, 112, 119, 201, 203, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1421, 1423); delegation of authority at 49 CFR 1.50.)

Issued on July 12, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-19685 Filed 7-14-78; 8:45 am]

[4910-59]

[Docket No. 25; Notice 24]

PART 575—CONSUMER INFORMATION REGULATIONS

Uniform Tire Quality Grading

AGENCY: National Highway Traffic Safety Adminstration, DOT.

ACTION: Final rule.

SUMMARY: This notice announces the effective dates for implementation of a uniform tire quality grading regulation with respect to bias and bias-belted tires, as authorized by section 203 of the National Traffic and Motor Vehicle Safety Act of 1966. This notice also responds to comments on, and makes final, proposals concerning course monitoring tires and labeling as well as to petitions for reconsideration of the rule.

EFFECTIVE DATE: For all requirements, other than the molding requirement of paragraph (d)(1)(i)(A), the effective dates are: March 1, 1979 for bias ply tires, and September 1, 1979 for bias-belted tires.

For paragraph (d)(1)(i)(A), the molding requirement, the effective dates are: September 1, 1979 for bias ply tires, and March 1, 1980 for bias-belted tires. No effective date is established at this time for radial tires.

ADDRESSES: Petitions for reconsideration of the tire labeling amendments should refer to the docket number and be submitted to: Room 5108, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Dr. F. Cecil Brenner, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1742.

SUPPLEMENTARY INFORMATION: On May 28, 1975 (40 FR 23073), the NHTSA published as a final rule a regulation pertaining to Uniform Tire Quality Grading (UTQG) as authorized by the National Traffic and Motor Vehicle Safety Act of 1966 (the act) (15 U.S.C. 1381 et seq.). The purpose of this regulation is to alleviate confusion in the purchase of passenger car tires and to provide simple comparative data upon which an informed tire selection can be made by consumers. Under the regulation, tires will be graded in three areas of performance: Treadwear, traction, and temperature resistance.

Implementation of the regulation was delayed pending litigation of the validity of its grading procedures. In *B.F. Goodrich et al* v. *Department of Transportation*, 541 F.2d 1178 (6th Cir., 1976), the court upheld for the most part the agency's approach to tire quality grading. The court remanded for further agency consideration, however, two aspects of the regulation. First, the court suggested that the NHTSA reexamine the labeling requirements of the regulation to insure that sufficient warnings would be provided to consumers to avoid the misapplication of the label information. Second, the court remanded to the agency the matter of the selection of course monitoring tires, for the agency to complete its testing and selection of the three course monitoring tires or, if this had already been accomplished, for reopening of the record to permit a brief period of industry comment on the selections. The court upheld the rule in all other respects.

Pursuant to the remand in the *B. F. Goodrich* decision, the agency issued two proposals; one to modify labeling requirements and the other announcing the selection of the course monitoring tires. Comments were received from several manufacturers and manufacturer representatives. This notice responds to those comments.

In response to the publication of the UTQG regulation (May 28, 1975) (40 FR 23073), the agency received several petitions for reconsideration. The agency announced that these petitions would not be immediately answered owing to the ongoing litigation involving the regulation (40 FR 57806). Since the challenge to the regulation has now been disposed of by the court,

this notice responds fully to those petitions for reconsideration.

I. LABELING (NOTICE 21)

On December 13, 1976, the NHTSA published a notice of proposed rulemaking to revise the traction and temperature resistance labeling requirements of UTQG (49 CFR 575.104). That notice was in response to the decision in the *B. F. Goodrich* case.

The petitioners in the *B. F. Goodrich* case argued that the then existing labeling requirements would be misleading in several respects pertaining to traction testing and temperature resistance. The court remanded those issues to the agency for further consideration, suggesting the addition to the labels of clarifying warnings. The agency's December 13, 1976, notice proposed warnings in accordance with the court's decision that would ensure that UTQG label information would not be misconstrued.

The NHTSA received seven comments in response to the notice of proposed rulemaking. Most of these comments favored the warnings proposed by the agency with several comments proposing minor editorial changes for clarity. The agency has altered somewhat the final version of these warnings in consideration of the comments. The Vehicle Equipment Safety Commission did not submit comments.

TREADWEAR LABELING

The Rubber Manufacturers Association (RMA) recommended in its comments that the agency modify the treadwear example in figure 2 which explains that tires rated at 200 will achieve twice the mileage as tires rated at 100. RMA indicated that few if any commercially available tires could achieve such a rating. Accordingly, they suggested that the example show that a tire rated 150 would wear 1½ times as well as a tire graded 100.

The agency considers RMA's suggestion to have merit. Initially, the 200 figure was selected for the example because it facilitates understanding of the treadwear grading concept since it speaks in terms of round numbers (e.g. a tire grade 200 wears twice as well as a tire grade 100). However, since few tires can achieve such a rating, the example would have little practical application. Therefore, the agency modifies the example to reflect that 150 represents a treadlife 1½ times as good as that represented by the grade of 100.

TRACTION LABELING

Goodyear Tire & Rubber Co., Firestone Tire & Rubber Co. and the RMA suggested in their comments that the NHTSA amend the traction information in figure 2 of the label to indicate that the tires were tested under controlled conditions on specified government test surfaces. The agency believes that this information is useful to prevent misleading the consumer and amends figure 2 accordingly.

General Motors Corp. (GM) recommended that the agency add further warnings to the traction information that would indicate that actual traction results would differ depending upon tread depth, road surface, and speed. GM contended that the proposed warning did not sufficiently detail the extent of the limitations upon the use of these traction data.

The NHTSA is concerned that the warnings printed in the tire information be kept to the absolute minimum in length while ensuring adequate consumer information. If warnings and tire information become so lengthy as to become burdensome upon the consumer to read, it is possible that the information would go unused. The agency has determined that the statement in the warning that a tire was "measured under controlled conditions on specified government test surfaces" indicates that the test results were achieved under highly specified conditions. Clearly changes in any of the test conditions could affect the traction results. This meaning is obvious from the present wording of the warning and further elaboration would needlessly lengthen the tire information. Therefore, the agency declines to adopt GM's suggested modification.

The agency has reached the position that the clarity of the traction grading information might be enhanced by the use of the letters A, B, and C in place of the symbols **, * and O presently employed to denote traction grades. A proposal to modify the traction grading system by substitution of the letters A, B, and C for the present traction symbols is published concurrently with this notice in the proposed rule section of the FEDERAL REGISTER.

TEMPERATURE RESISTANCE LABELING

Several commenters suggested that the tire temperature warning be clarified to indicate that excessive speed, underinflation, or excessive loading, either alone or in combination, can result in temperature increases and possible tire failure. The commenters suggested this change because heat buildup can occur at normal speeds when there is tire underinflation or overloading. The current proposal, however, implies that heat buildup would only occur at excessive speeds. The NHTSA agrees with this suggestion and modifies the temperature warning accordingly.

The RMA suggested that the label elaborate on the meaning of the temperature grades C, B, and A. The grades C, B, and A represent comparative differences in a tire's ability to withstand the generation of heat without suffering structural degeneration and potential tire failure. Although the grades C, B, and A in themselves do not inform a consumer of the specific amount of difference between tires in the three grades, the grades do convey to the consumer the fact that one tire performs better than the other in this specific test. To specify more exactly the amount of difference in heat dissipation represented by each grade or the technical nature of the test involved would merely confuse many people not versed in the technical nature of the test. Therefore, the Agency has determined that the temperature grading method should be retained as it is. The NHTSA notes further that the court in the *B. F. Goodrich* case examined this aspect of temperature grading and found it to be adequate.

MISCELLANEOUS LABELING

Several commenters requested that the Agency implement a labeling system similar to that employed by the Federal Trade Commission (FTC) under the Magnuson-Moss Warranty Act (Pub. L. 93-637). The FTC in its regulations (16 CFR Pt. 702) permits the display of warranty information in any of four locations. The commenters to Notice 21 suggested that the Agency should adopt the FTC's approach since Congress could not have intended that our regulations be more burdensome than those imposed under the Magnuson-Moss Warranty Act (Warranty Act).

The purpose of the Warranty Act is to ensure the open display of warranty data in order to provide consumers an opportunity to make buying choices based upon available warranties. The purpose of UTQG is similar but not identical to the Warranty Act. UTQG, like the Warranty Act, is intended to provide information to the consumer permitting him or her to make a rational choice in the selection of a product—specifically tires. Beyond the warranty data, however, the UTQG will dispel some of the inaccuracies and otherwise misleading information currently existent in the tire marketing business.

Congress considered tire retailing procedures to be a substantial problem. Accordingly, the Congress enacted a special provision in the National Traffic and Motor Vehicle Safety Act of 1966 to provide information to consumers on these products. The Agency considers this specific mandate to justify the requirement that grading information be provided in several locations. At present, grading information must be contained on the tire sidewall (49 CFR 575.104(d)(1)(i)(A)), on a label affixed to the tread surface (49 CFR 575.104(d)(1) (i)(B)), and in the information furnished under CFR 575.6 (a) and (c) to motor vehicle pur-

chasers and to prospective purchasers of vehicles or tires (49 CFR 575.104(d)(1) (ii) and (iii)). The provision of UTQG information in several locations will ensure the broadest possible dissemination of this information to consumers.

Further, unlike many other consumer goods that can be adequately handled by the Warranty Act, tires deserve additional consumer safeguards owing to their varied methods of marketing and their importance to traffic safety. Many consumer goods are purchased only as a single final unit from a retail outlet (e.g. small appliances). Tires, on the other hand, can be purchased individually or can come, as in the case of original equipment, as a component of another retail product (a motor vehicle). Accordingly, the need for maximum dissemination of information through several labeling locations is increased by the varied methods of tire retailing. The crucial role of tires in motor vehicle safety makes it imperative that information on tire quality be brought to the attention of consumers regardless of the marketing method employed.

The Agency has previously carefully assessed its requirements for labeling in compliance with UTQG. In that assessment the Agency determined that the Congressional mandate coupled with the unique nature of tire marketing warranted the labeling requirements established by the NHTSA. Further, the court in the *B. F. Goodrich* case upheld this labeling approach. Therefore, the Agency declines to adopt the modification suggested by the commenters concerning the establishment of alternative labeling rather than mandatory labeling in several locations.

With regard to the wisdom of the UTQG labeling system in comparison with Warranty Act provisions, it is instructive that the FTC Chairman concluded in a September 16, 1977, letter to Goodyear that "it is apparent that the Uniform Tire Quality Grading System will produce useful, reliable information for the buying public." The letter contained no suggestions for improvement of the UTQG regulation, or that the UTQG regulation is in conflict with the Warranty Act.

On a matter of general application to the information label issue, Goodyear recommended that the agency ensure that the tire grading information will be presented to the tire purchaser. To achieve this goal, Goodyear suggested that the tire retailer be required to display the information. Without such a requirement they argued, tire grading information would not be useful.

The agency agrees that the provision of information in an easily identifiable and readily accessible location is necessary to the success of the tire grading concept. This is one of the reasons that the agency has been insistent about requiring the display of this information in a uniform fashion. The NHTSA encourages the open display of this information but remains convinced that the requirement that tires contain a label on the tire tread explaining the grading system is necessary for purposes of informing the public of tire grading. This label cannot be removed from the tire prior to sale. It is noted that a proposal to modify the requirements for this label is published concurrently with this notice in the proposed rule section of the FEDERAL REGISTER.

II. COURSE MONITORING TIRES

On February 14, 1977, the agency issued a notice of proposed rulemaking that tentatively selected the course monitoring tires (CMT's) to be used for treadwear testing (42 FR 10320; February 22, 1977). The CMT's are run on the treadwear test course simultaneously with candidate tires in order to provide an index of course variability that allows the adjustment of treadwear results for such variability. The agency had previously selected the CMT's for radial tires. The court in *B. F. Goodrich* suggested that the NHTSA select all three of the CMT's concurrently including bias ply and bias-belted CMT's which the agency had previously not selected. The court further suggested that the agency permit a short comment period to receive responses on the agency CMT selections.

Most of the comments to this proposal did not question the selection of tires chosen by the NHTSA. Rather, the comments focused upon alleged inadequacies in the NHTSA rulemaking procedures and the statistical analysis employed by the agency to determine the coefficients of variation (COV) for the tires selected. Several commenters criticized aspects of the UTQG procedures previously determined to be valid by the court in the *B. F. Goodrich* case.

ADEQUACY OF NHTSA DATA

B. F. Goodrich and several other commenters argued that the agency did not provide ample time for meaningful comment to the notice announcing the selection of CMT's. These commenters alleged that the agency did not submit data to the docket in a timely fashion nor in complete form. For example, they argued that over 2,000 pages of data were docketed on February 14, 1977, which could have been placed in the docket as it was generated through the months of testing.

The agency placed in the public docket on February 14, 1977, more than 2,000 pages of data accumulated through tests of the course monitoring tires. The notice announcing the CMT selections was issued simultaneously, and both the data and the notice were promptly brought to the industry's attention, even though the notice was not published by the FEDERAL REGISTER until February 22. Thus, the industry was given somewhat more than the 30-day comment period to analyze and evaluate the data. Commenters should note that the court in the *B. F. Goodrich* case considered that a 30-day comment period would be sufficient to permit adequate comment on the agency announcement of the CMT selections.

The agency did not submit the data pertaining to the CMT selections to the docket in a piecemeal fashion as the commenters suggested should be done for several reasons. First, until all the of the data were generated and reviewed by the agency no decision could be made concerning the adequacy, in light of the court's mandate, of the CMT's initially selected by the agency. Only after accumulating a mass of data from many tests could the agency be sure of its selections and accordingly go forward with a notice making public its selections. To have released this information prior to the actual determination of the adequacy of the chosen tires would have been premature.

A second reason for waiting to release the information was the ongoing litigation on the subject of UTQG. The court's remand did not formally reach the agency until the mandate issued on December 3, 1976. Since further agency rulemaking action depended upon the outcome of the *B. F. Goodrich* case, the NHTSA considered it necessary to receive the final mandate of the court prior to continuing with its rulemaking effort with respect to UTQG. Upon receipt of the mandate of the court, the agency began rulemaking in compliance with the remand. Rulemaking proceeded expeditiously even though petitioners in the *B. F. Goodrich* case had filed a petition for certiorari.

A further criticism by the commenters concerned an alleged continued withholding by the agency of data necessary for informed comments on the CMT selections. Several commenters stated that the data in the docket contain omissions. For example, the numbered data do not progress in a serial manner.

The agency has not withheld relevant information from the docket as the commenters suggest. The extent that the numbered data (test numbers) do not proceed in a serial manner, this results from the inclusion of the docket only of those tests involved with the computation of the coefficients of variations (COV). The COV's were computed from the first 6,400-mile cycle (after an 800-mile

break-in) of the CMT, as prescribed in the UTQG regulation. Subsequent cycles run on the same CMT were not run for purposes of computing the COV. Therefore, subsequent test cycles of the same tires were deleted from the docketed data so as not to be confused with the computations of the COV's. All of the data upon which the agency based its determinations pertaining to the COV's were placed in the docket.

A further argument of the commenters was that the agency failed to include an analysis of the data indicating how our conclusions concerning COV's were achieved. The agency has used an established method for the determination of the coefficients of variation. The method chosen is an accepted statistical technique. The NHTSA does not consider it necessary to reproduce underlying, routine computations when each set of data is put into the docket.

In connection with the alleged lack of information in the docket, several commenters suggested that the NHTSA make further submissions to the docket concerning the test procedures used by the agency in testing the CMT's. The existing rule on UTQG contains the test procedures for conducting treadwear tests, and the *B. F. Goodrich* case upheld these test procedures. When the agency tests CMT's, the procedures outlined in the rule are, of course, rigidly followed. No other information relevant to the conduct of these tests exists to be placed in the docket.

Some commenters argued that the NHTSA should make public some of the test variables in existence on the days tests were conducted. For example, they suggested that weather could have an impact upon test results and, therefore, records of such weather conditions should be made available to them. The agency did not maintain such records, for the simple reason that the CMT procedure is specifically intended to account for all such variables. Of course, data such as weather conditions, can be determined from the information contained in the docket. The test data list the date each test was run. If parties care to gather extraneous data for their own purposes, weather information for the days in question can be obtained by contacting a weather service. It should be noted that many major tire manufacturers test in Southwest Texas. Indeed, Goodyear has stated,in a brochure which describes its San Angelo proving ground, that "the San Angelo area presents the most ideal conditions for tire testing in the United States." (Docket 25, GR 86.)

The RMA requested as part of their comments that, since further information should in their opinion be placed in the docket, the agency extend the comment period. The agency, as stated above, placed all pertinent information in the docket, obviating the need for an extended comment period. Further, NHTSA procedures for requesting extensions, 49 CFR 553.19, require that such a request be submitted not less than 10 days before expiration of the comment period in accordance with those procedures. Instead, the RMA included a request for extension in the body of their docket comment. It should be noted that, while the procedurally defective request was not granted, the agency has continued to accept and consider the comments of the RMA and others that have been received well after the comment closing date.

Several commenters suggested that the NHTSA publish the base course wear rates for the CMT's chosen by the agency. Publication of these wear rates, the commenters argued, was necessary for their testing of the CMT's and thus for meaningful comments on Notice 22. The agency disagrees that it is necessary to have the base course wear rates for purposes of commenting upon the tires selected by the agency as CMT's. It is the coefficient of variation experienced in the testing that is relevant to their selection as monitors of the course, and the base course wear rate is irrelevant to this consideration.

Since the commenters desired the publication of these figures, albeit irrelevant to the selection of the CMT's, the agency hereby makes them public. The wear rates for the bias ply tire (Armstrong Surveyor 78) and for the bias-belted tire (General Jumbo 780) are 9.00 mils and 6.00 mils per 1,000 miles, respectively. Since these figures have no impact upon the selection of CMT's announced in Notice 22, no comment period is required as a result of the publication of the base course wear rates.

Firestone submitted two NHTSA technical papers for inclusion in the Docket. These papers have been modified by Firestone's underlining without other comment. These papers are included in the docket even though they are not relevant to the present UTQG regulation.

POSSIBLE RADIAL WEAR RATE PROBLEM

In Notice 22, the agency stated that the data appeared to indicate that the wear rate for some radial tires may not be constant. The NHTSA concluded, therefore, that radials would not be included for the time being under the UTQG rule, since computations made under that rule contemplates a constant adjusted wear rate for projection purposes. Industry commenters objected to this treatment of radials and argued that the agency should not proceed with any of the grading requirements unless it proceeds with them all simultaneously.

These commenters cited the *B. F. Goodrich* case which remanded the course monitoring tire issue to the agency, because a selection of all of CMT's had not been made prior to the establishment of an effective date for the implementation of the rule to all tire types. The commenters interpreted this court mandate to mean that the agency was required to proceed with the promulgation of grading requirements for all three tire types concurrently. The agency does not interpret the court decision in that manner.

The Sixth Circuit Court remanded to the agency the issue of the selection of the CMT's. It should be noted that at the time of the court decision the agency had not selected the bias and bias-belted CMT's even though it had established the effective dates for all tire types. Moreover, the court noted that the selection of the radial CMT had been based upon a series of tests (reported in NHTSA Technical Note T-1014) which were flawed by a problem not clearly identified or explained. The court's conclusion, therefore, was that it was inappropriate to schedule the effective date for compliance of tires with UTQG when the NHTSA had not given notice and invited comment on its selection of the CMT's. This mandate of the court does not prohibit the promulgation of the rule in phases, however.

The court's opinion stated that it would be inappropriate to require grading of a tire when all of the procedures (in this case the CMT selection) had not been chosen, and commented upon, for that tire. The court did not, in the opinion of the NHTSA, state that the agency could not proceed with rulemaking on some tire types pending further study of the application of the rule to another tire type. Therefore, the agency does not find merit in the position of the commenters who allege that the agency must proceed with a rule for all tire types at the same time.

The agency has responded to the remand in Notice 22 by announcing the selection of all CMT's. That notice gave the industry adequate time to comment upon the agency's selections. However, until possible problems concerning the testing of radials are resolved, the agency will not set an effective date for the application of the rule to radial tires. As long as an effective date applicable to the grading of radials is not established prior to the establishment of grading procedures for that tire, the NHTSA can implement the rule with respect to the other tire types and is not in violation of the court's remand.

Several commenters argued that regardless of the court mandate, the NHTSA should not go forward with tire grading for two tire types while

excluding radials. The commenters asserted that altered test procedures for radials could result in different tests or a different test course for radial tires which would make comparisons between them and the other tire types meaningless.

By this comment, it is apparent that some people may have misunderstood the agency's earlier notice announcing the possible problem with radials. The problem that may attend the grading of radial tires is one of computing the wear rate after the 6,400-mile test has been completed, since there is some evidence suggesting that these tires may not wear at a constant rate after only an 800-mile break-in. No comparable problem has been found for bias and bias-belted tires. Ample data have been generated demonstrating that the wear rates for bias ply and bias-belted tires are constant after an 800-mile break-in. At present there are no plans to alter the test course or the actual test procedures. If changes were considered necessary in either the test course or procedures, careful attention would then be given to their impact upon the comparative nature of the grades given other tire types. The agency would not implement test procedures for radial tires that differ from the procedures used for bias and bias-belted tires without affording adequate time for comment upon such test procedures and without carefully evaluating comments received on such test procedures.

The agency would like to note that with respect to the issue of radials, it was stated in the earlier notice that an apparent problem had been discovered with radials. The agency is not yet convinced that this problem does exist. However, until such time as further analysis can be accomplished, the NHTSA considers it prudent to proceed cautiously with the implementation of the UTQG requirements for radial tires.

Several commenters questioned the validity of the test procedures for testing treadwear. Goodyear stated that the driving instructions are unclear and, in particular, the braking procedure is not good. They stated further that the spacing in convoys was dangerously close on corners. Cooper Tire Co. stated that the tests could not be repeated within statistically acceptable margins of error and, therefore, would be unenforceable.

The NHTSA does not agree with these comments questioning the validity of the test methodology. The agency has determined that these procedures provide a viable testing technique which can be duplicated for enforcement purposes. Further, the court in *B. F. Goodrich* upheld the test methodology. Accordingly, the agency sees no need to modify the test procedures.

Goodyear also argued that the test course has been changed since the last update of the rule by the agency. For example, they argued that some stop signs are now yield signs. On a test course of this size and nature, minor modifications of road signs are to be expected with certain regularity. The regulation only lists "key points" to assist regulated parties, and has updated the regulation to reflect changes in these key points and will continue to do so. The minor changes in the test track which have occurred since the last publication of the regulation are included in this notice.

The agency notes that with respect to sign changes in the treadwear course, such minor changes have no significant impact on tire grading. The use of CMT's is designed to reduce the effects, if any, of the course variables, including course markings. Therefore, the agency considers that minor changes in the road markings which will occur from time to time should have no impact upon the comparative ratings of tires. Nevertheless, the NHTSA will make every effort to update the regulation periodically to reflect changed course markings.

III. Effective Dates

Several commenters asserted that the agency must propose effective dates to give the industry time to comment on the appropriateness of such dates. Notice 22 did not propose effective dates for the implementtion of the regulation to bias and bias-belted tires. The agency has established the effective dates for all provisions other than the molding requirement as seven months from the publication of the final rule in the case of bias ply tires and 13 months from publication in the case of bias-belted tires. An additional 6 months has been provided in each case for the revision of tire molds. The issue of effective dates was litigated in the *B. F. Goodrich* case. The court there held that the implementation lead time as chosen by the agency was sufficient. The determination was based upon an evaluation of the capacity of the treadwear course and traction skid pads in relation to the number of tires to be tested. Therefore, since the agency has not modified the test procedure in any manner, there is no need to raise again the issue of effective dates as long as the agency allows the same lead time as was held valid by the court. Moreover, as noted in the court's opinion, the agency will closely monitor the actual use of the treadwear course and traction skid pads and will exercise its discretion to extend the lead time periods if it should become necessary to do so in the future.

Cooper Tire Co. stated that changing the order of implementation of the requirements requires a reassessment of the effective date requirements. For example, radial tires no longer will be the first tire type to be tested. According to Cooper, a manufacturer may be harmed by the change in the order of implementation and further study of the effective dates is thus warranted.

The agency does not agree that a change in the order of implementation of the grading regulation for different tire types requires total reconsideration of the effective dates. As set forth in this notice and in Notice 22, bias ply will be the first tire construction type required to be graded. A count by NHTSA staff of the number of passenger tire lines set forth in a standard reference, "1977 Tread Design Guide" (published by the Tire Information Center, Commack, N.Y.), excluding winter treads (snow tires) and duplicates of the same tread design, indicates that of some 1,139 tire lines on the market, approximately 431 are radials, 408 are bias-ply, and the remaining 300 are bias-belted. Therefore, if ample time was provided in the previous rule for the testing of radials, and the court held that the lead time was sufficient, there certainly should be sufficient lead time to test bias ply tires which are fewer in number. Although this change may create greater test burdens for individual manufacturers, it will not impair the ability of the test facilities to accommodate tire grading.

IV. Statistical Comments

The RMA criticized the NHTSA's statistical analysis of the data upon which the coefficients of variation were derived. The RMA submitted a paper written by Dr. Shelemyahu Zacks purporting to discredit the NHTSHA's analysis. Through this paper the RMA suggested that the coefficients of variation (COV) were larger than the agency had indicated.

The analysis done by the NHTSA was conducted according to statistically acceptable procedures, but the NHTSA concluded that it would be prudent to obtain an impartial review of both the Zacks' and the NHTSA's analyses of the COV's. The agency contracted with a noted statistician, Dr. Herbert Solomon, who reviewed the agency's procedures in view of Dr. Zacks' criticisms of those procedures and concluded that the agency was correct in its method of computation of the COV's. The full text of both the Zacks and Solomon papers as well as the agency's analyses of the former are in the public docket.

Subsequent to the Solomon report, the RMA submitted several comments intended to refute the accuracy of the report. In particular, the RMA contended that the use by NHTSA of "n" ("n" = sample size), rather than "n – 1", as the divisor in computing the sample standard deviation was incor-

rect and produced an inaccurately low COV. After careful review of this question, the agency has concluded that the use of "n" in the formula for the sample standard deviation is a proper statistical approach as a step in the process of determining the sample COV. Moreover even if the alternative "n−1" formula were adopted, the resulting COV's of 4.74, 3.08, and 2.70 for bias, belted bias and radial tires respectively would still fall within the 5 percent coefficient of variation which was approved by the court in the *B. F. Goodrich* case. The RMA's other contentions were also carefully reviewed and were found to be invalid and to reiterate much of the information contained in earlier RMA comments. Therefore, the agency declines to adopt the statistical approach proffered by the RMA as well as the other recommendations of the RMA that attend their method of statistical analysis.

B. F. Goodrich submitted a statistical study by its engineering staff of models of the wear behavior of tires. (C. Thomas Wright, "The Adequacy of Linear Models in Tread Life Testing"). The agency's analysis of the study revealed that significant errors in the study accounted for Wright's differences with the linear model employed in the regulation. The agency analysis was placed in the docket, and B. F. Goodrich subsequently filed a rebuttal to the analysis. Review by the agency of that rebuttal confirms that Wright's differences with the regulation's linear model involve his failure to observe conventional statistical precepts.

Uniroyal submitted comments suggesting that the NHTSA testing procedure did not adequately consider the effects of actual driving conditions upon tire grades. Uniroyal conducted a random sampling of tires on automobiles in parking lots. The conclusion of that study was that tires wear at varied rates depending upon the type of car, size of tire, load on the tire, and many other variables. Uniroyal suggested that its results indicated that it would have to test unlimited combinations of its tires to insure correct grading.

The NHTSA has always stated that UTQG does not give an exact measurement of a tire's life under all conditions. The agency realizes that tire life will vary depending upon a number of conditions. The court in *B. F. Goodrich* also recognized this fact when it stated that no test designed to grade millions of tires will be perfect. Few measuring techniques are. However, for this reason the agency cautions individuals concerning misapplication of the grading information.

The Uniroyal survey yields results that are to be expected but that have no impact upon the validity of the UTQG test procedures. The test procedures for UTQG control most of the variables. The course, speed, drivers, stopping conditions and many other variables are controlled for tire testing purposes. For those environmental variables beyond the control of the agency, the NHTSA uses the CMT to measure their effect. The Uniroyal study did not control these variables. Accordingly, it does not present an accurate picture of comparative data between tire lines. The agency has determined that comparing different tires under similar conditions on the treadwear course and traction skid pads does yield excellent comparative data. Therefore, the agency discounts the value of the Uniroyal study for purposes of questioning the validity of UTQG testing. The Uniroyal study merely indicates that the public must be cautioned against the misuse of grades provided on the tires. The NHTSA concludes that the warnings provided on the grading label information provide sufficient cautionary advice to the consumer.

Cooper Tire Co. ran computer tests intended to show that the same tire might receive different grades with any two tire treadwear tests. According to Cooper this indicated that the UTQG requirements are unenforceable.

It has been argued in the past that enforcement testing for many of the agency's regulations and standards depends upon a test of a single piece of equipment or motor vehicle and accordingly the results cannot be projected to all vehicles or equipment. In other words, the commenters suggest that a noncompliance in one vehicle or item of motor vehicle equipment does not mean that all vehicles are defective.

The agency's enforcement actions pertaining to all standards have been conducted, in the past, using a variety of data. A failure of equipment or a vehicle to reach a performance standard during an agency enforcement test indicates a potential noncompliance. The agency then goes to the manufacturer of the affected vehicle or equipment and requests the results of the manufacturer's tests or other data upon which he based his certification of compliance with the standard. A similar method of enforcement is contemplated for UTQG.

V. Petitions for Reconsideration

On May 28, 1975, the NHTSA published the final UTQG rule. In response to that rule, several petitions for reconsideration were received by the agency. A response to these petitions for reconsideration was delayed pending the outcome of the litigation in the *B. F. Goodrich* case. Several of the issues raised in the petitions have been answered by that litigation or in subsequent notices issued by the agency. The NHTSA will now respond to those issues raised in the petitions and not previously addressed.

Several tire manufacturers commented that the lead time allowed prior to the effective date of the regulation was not adequate. The Japan Automobile Tire Manufacturers' Association, Inc. argued that there were significant time problems in the shipment of tires to the United States for treadwear testing on our test course and transmission of the resultant data back to Japan.

The issue of lead time was litigated in the *B. F. Goodrich* case. The court upheld the agency's proposed lead time. Since the agency does not propose to reduce the amount of lead time from that proposed in 1975, there should be no problem with meeting the effective date of the regulation.

Automobile manufacturers argued that they need more lead time than tire manufacturers since the specificity of the data required in the owner's manual forces them to wait until they receive the newly graded tires before printing the manuals. On a related point, many of the manufacturers suggested that the agency require in the owner's manual only general tire grading information. They argued that this is necessary because frequently manufacturers are unable to obtain the tire with which they normally equip their cars. In such an event, they would have to print a new owner's manual containing the new tire information and would be required by Part 575 of our regulations to submit a copy of this new information to the NHTSA 30 days prior to its issuance.

The agency has determined that the automobile manufacturers should operate under the same lead time constrictions as the tire manufacturers. Therefore, the effective date of the requirements applicable to the tire manufacturers shall also be applicable to the automobile manufacturers. This will ensure complete dissemination of grading information at the earliest possible time.

The agency has concluded that the manufacturer's suggestion to provide only general tire information in the owner's manual has merit. It would be cumbersome for a manufacturer to submit to the agency for 30-day review its owner's manual information every time a change in tires was contemplated or required. The agency considers it sufficient for purposes of informing consumers, for manufacturers to provide general grading information in the owner's manual. This information would explain the grading system, giving the cautionary warnings to the consumer concerning the possible misuse of the UTQG information. The consumer could then be directed to

look at the tire sidewall for the particular grading of the tire. The rule has been amended to reflect this modification.

The Motor Vehicle Manufacturers Association (MVMA) and GM argued that the temperature resistance grading system would be misleading to consumers. Both suggested a two grade approach to temperature testing using the "high speed" designation for tires designed to operate under those conditions. The agency does not agree that the temperature information will be misleading. The implementation of the proposed warnings on the misuse of the temperature information should prevent any potential for consumer misunderstanding. The agency notes further that the court upheld the existing temperature resistance test.

Several manufacturers suggested that the NHTSA exempt the space saver tire from the UTQG requirement. They argued that this tire is designed for a limited life and for a special use only and, therefore, should not be required to comply with the regulation.

The NHTSA agrees that the space saver tire and other temporary use spare tires should be exempt from the requirements of the regulation. These tires are of reduced size or are inflatable. They are designed so that as installed in the vehicle, they reduce vehicle weight and create more vehicle interior space. Since the useful life of these tires is frequently limited to 2,000 miles, it would be inappropriate to require them to comply with the treadwear requirements. The agency amends the regulation to indicate that the space saver and temporary use spare tires are exempted from the regulation's requirements.

Volkswagen and the European Tyre and Rim Technical Organisation (ETRTO) argued that the treadwear information would confuse the public and be misused. ETRTO argued further that treadwear grading has nothing to do with safety and should be deleted from the requirements.

The treadwear labeling requirements are proper and were upheld by the court. Accordingly, the agency declines to change or delete those requirements as suggested by the manufacturers. Further, the agency notes that the UTQG regulation is promulgated under a special authorization of the act (15 U.S.C. 1423). It is a consumer information regulation issued at the behest of the Congress.

On a related matter of labeling, ETRTO also requested that the words "treadwear", "temperature", and "traction" not be required to be molded into the sidewall owing to the expense of that operation. Once again, the sixth Circuit upheld the agency on its proposed labeling requirements while suggesting additional warnings to prevent the misuse of that information. The NHTSA requires the use of the words "traction", "treadwear", and "temperature", because these words will help avoid confusion as to the meaning of the symbols molded onto the tire sidewall.

ETRTO also suggested that NHTSA extend the effective dates for the traction requirements since the standard test trailer can not accommodate small tires. The agency declines to extend the effective date for the implementation of the requirements. However, small tires are being excluded from the requirements until such time as a test trailer is equipped to test them.

Dunlop recommended that the lowest of the three possible tire traction grades be eliminated, on grounds that an open-ended grade would allow production of tires with extremely poor traction in order to obtain higher treadwear or temperature resistance grades. In effect, Dunlop was requesting a minimum traction standard. The agency has an outstanding proposal that would establish such a minimum standard (38 FR 31841; November 19, 1973) and will respond to Dunlop's request by means of the separate rulemaking.

Dunlop suggested that the agency permit the tire information to be molded onto the tire in two tiers using smaller size letttering. Currently the regulation requires that the information be molded into the sidewall in either one or three tiers using one-fourth inch lettering. Dunlop argued that some of their tires are too small to permit the display of information printed on one tier without conflicting with other information molded on the sidewall. Further, they stated that the depth of their tires was such that three tiers of information would not easily fit on them.

The exclusion of the smallest tires from the UTQG requirements for the time being may alleviate this problem since these are the tires that present the greatest problems concerning available space for sidewall molding. Nonetheless the agency amends the regulation to reduce the print size of the required molding from one-fourth inch to five-thirtyseconds of an inch. Finally, the NHTSA can see no reason not to permit the molding of information into the sidewall in two tiers. Accordingly, the agency amends the regulation establishing a format for two tier information.

In a comment by ETRTO, it was suggested that the agency clarify its position with respect to the use of front wheel drive and rear wheel drive vehicles in a convoy for treadwear testing. The regulation states that the vehicles used will be rear wheel drive vehicles, but the preamble (Notice 17) stated that testing would be accomplished by the use of vehicles for which the tires were designed which might include front wheel drive vehicles. In accordance with the regulation which was issued in 1975 and upheld by the court, the agency has determined that only rear wheel drive vehicles will be used for treadwear testing. This removes the possibility that any vehicle variations between front and rear wheel drive vehicles will affect the tire test results.

In accordance with Department policy encouraging adequate analysis of the consequences of regulatory action, the agency has evaluated the anticipated economic and other consequences of this amendment on the public and private sectors. The agency has determined that the regulation will benefit tire consumers by affording them more detailed information upon which to make informed tire purchases. The regulation will thus reduce some of the existing confusing claims associated with tire marketing.

As the purpose of UTQGS is to help the consumer make an informed choice in the purchase of passenger car tires, the Agency will soon initiate action to evaluate whether the rule is meeting this goal. It is planned that surveys will be undertaken to determine how easily understandable and meaningful the grades are to purchasers, how the grades are utilized in purchase decisions and any measurable economic effect that may occur both within the passenger tire industry and to consumers as a result of the rule. The emphasis will be on the utility of the grading system to consumers. Major points of interest of the consumer survey will be the extent to which consumers use the grading system in their purchase decisions, the extent to which it has increased their knowledge and awareness of the characteristics of various tire constructions and tire lines and whether they feel the grading system is valid and worthwhile.

Effective date finding: Under section 203 of the act, the Congress stated that the regulation should become effective not sooner than 180 days nor later than 1 year from the date that the rule is issued. Based upon this direction and other agency findings concerning required lead time for grading tires, the agency has determined, and the Court has upheld, that phased implementation of the rule in essentially 6-month intervals is appropriate.

The program official and lawyer principally responsible for the development of this rulemaking document are Dr. F. Cecil Brenner and Richard Hipolit, respectively.

In consideration of the foregoing, Part 575.104 of title 49 of the Code of Federal Regulations is republished to read as set forth below.

(Secs. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407,

1421, 1423); delegation of authority at 49 CFR 1.50.)

Issued on July 12, 1978.

JOAN CLAYBROOK,
Administrator.

§ 575.104 Uniform tire quality grading standards.

(a) *Scope.* This section requires motor vehicle and tire manufacturers and tire brand name owners to provide information indicating the relative performance of passenger car tires in the areas of treadwear, traction, and temperature resistance.

(b) *Purpose.* The purpose of this section is to aid the consumer in making an informed choice in the purchase of passenger car tires.

(c) *Application.* This section applies to new pneumatic tires for use on passenger cars manufactured after 1948. However, this section does not apply to deep tread, winter-type snow tires or to space-saver or temporary use spare tires. Further, this section does not apply to tires with nominal rim diameters of 10 to 12 inches.

(d) *Requirements*—(1) *Information.* (i) Each manufacturer of tires, or in the case of tires marketed under a brand name, each brand name owner, shall provide grading information for each tire of which he is the manufacturer or brand name owner in the manner set forth in paragraphs (d)(1)(i)(A) and (d)(1)(i)(B) of this section. The grades for each tire shall be only those specified in paragraph (d)(2) of this section. Each tire shall be able to achieve the level of performance represented by each grade with which it is labeled. An individual tire need not, however, meet further requirements after having been subjected to the test for any one grade.

(A) Except for a bias-ply tire manufactured prior to September 1, 1979, and a bias-belted tire manufactured prior to March 1, 1980, each tire shall be graded with the words, letters, symbols, and figures specified in paragraph (d)(2) of this section, permanently molded into or onto the tire sidewall between the tire's maximum section width and shoulder in accordance with one of the methods described in Figure 1.

(B) Each tire, except a tire sold as original equipment on a new vehicle, shall have affixed to its tread surface in a manner such that it is not easily removable a label containing its grades and other information in the form illustrated in Figure 2. The treadwear grade attributed to the tire shall be either imprinted or indelibly stamped on the label adjacent to the description of the treadwear grade. The label shall also depict all possible grades for traction and temperature resistence. The traction and temperature resistance performance grades attributed to the tire shall be indelibly circled.

(ii) In the case of information required in accordance with § 575.6(c) to be furnished to prospective purchasers of motor vehicles and tires, each vehicle manufacturer and each tire manufacturer or brand name owner shall as part of that information list all possible grades for traction and temperature resistance, and restate verbatim the explanations for each performance area specified in Figure 2. The information need not be in the same format as in Figure 2. In the case of a tire manufacturer or brand name owner, the information must indicate clearly and unambiguously the grade in each performance area for each tire of that manufacturer or brand name owner offered for sale at the particular location.

(iii) In the case of information required in accordance with § 575.6(a) to be furnished to the first purchaser of a new motor vehicle, each manufacturer of motor vehicles shall as part of that information list all possible grades for traction and temperature resistance and restate verbatim the explanation for each performance area specified in Figure 2. The information need not be in the format of Figure 2, but it must contain a statement referring the reader to the tire sidewall for the specific tire grades for the tires with which the vehicle is equipped.

(2) *Performance*—(i) *Treadwear.* Each tire shall be graded for treadwear performance with the word "TREADWEAR" followed by a number of two or three digits representing the tire's grade for treadwear, expressed as a percentage of the NHTSA nominal treadwear value, when tested in accordance with the conditions and procedures specified in paragraph (e) of this section. Treadwear grades shall be multiples of 10 (e.g., 80, 150).

(ii) *Traction.* Each tire shall be graded for traction performance with the word "TRACTION," followed by the symbols 0, *, or ** (either asterisks or 5-pointed stars) when the tire is tested in accordance with the conditions and procedures specified in paragraph (f) of this section.

(A) The tire shall be graded 0 when the adjusted traction coefficient is either:

(*1*) 0.38 or less when tested in accordance with paragraph (f)(2) of this section on the asphalt surface specified in paragraph (f)(1)(i) of this section, or

(*2*) 0.26 or less when tested in accordance with paragraph (f)(2) of this section on the concrete surface specified in paragraph (f)(1)(i) of this section.

(B) The tire may be graded * only when its adjusted traction coefficient is both:

(*1*) More than 0.38 when tested in accordance with paragraph (f)(2) of this section on the asphalt surface specified in paragraph (f)(1)(i) of this section, and

(*2*) More than 0.26 when tested in accordance with paragraph (f)(2) of this section on the concrete surface specified in paragraph (f)(1)(i) of this section.

(C) The tire may be graded ** only when its adjusted traction coefficient is both:

(*1*) More than 0.47 when tested in accordance with paragraph (f)(2) of this section on the asphalt surface specified in paragraph (f)(1)(i) of this section, and

(*2*) More than 0.35 when tested in accordance with paragraph (f)(2) of this section on the concrete surface specified in paragraph (f)(1)(i) of this section.

(iii) *Temperature resistance.* Each tire shall be graded for temperature resistance performance with the word "TEMPERATURE" followed by the letter A, B, or C, based on its performance when the tire is tested in accordance with the procedures specified in paragraph (g) of this section. A tire shall be considered to have successfully completed a test stage in accordance with this paragraph if, at the end of the test stage, it exhibits no visual evidence of tread, sidewall, ply, cord, innerliner, or bead separation, chunking, broken cords, cracking or open splices as defined in § 571.109 of this chapter, and the tire pressure is not less than the pressure specified in paragraph (g)(1) of this section.

(A) The tire shall be graded C if it fails to complete the 500 rpm test stage specified in paragraph (g)(9) of this section.

(B) The tire may be graded B only if it successfully completes the 500 rpm test stage specified in paragraph (g)(9) of this section.

(C) The tire may be graded A only if it successfully completes the 575 rpm test stage specified in paragraph (g)(9) of this section.

(e) *Treadwear grading conditions and procedures*—(1) *Conditions.* (i) Tire treadwear performance is evaluated on a specific roadway course approximately 400 miles in length, which is established by the NHTSA both for its own compliance testing and for that of regulated persons. The course is designed to produce treadwear rates that are generally representative of those encountered in public use for tires of differing construction types. The course and driving procedures are described in appendix A to this section.

(ii) Treadwear grades are evaluated by first measuring the performance of a candidate tire on the government test course, and then correcting the projected mileage obtained to account for environmental variations on the basis of the performance of course

monitoring tires of the same general construction type (bias, bias-belted, or radial) run in the same convoy. The three types of course monitoring tires are made available by the NHTSA at Goodfellow Air Force Base, San Angelo, Tex., for purchase by any persons conducting tests at the test course.

(iii) In convoy tests each vehicle in the same convoy, except for the lead vehicle, is throughout the test within human eye range of the vehicle immediately ahead of it.

(iv) A test convoy consists of no more than four passenger cars, each having only rear-wheel drive.

(v) On each convoy vehicle, all tires are mounted on identical rims: either a "test rim" as defined with respect to that tire in paragraph S3 of standard No. 109 (§ 571.109 of this chapter) which is of the width listed for the applicable tire size designation under the words "test rim width" in table I of the appendix to standard No. 109, or such a "test rim" having a width within −0+0.50 inches of the width listed.

(2) *Treadwear grading procedure.* (i) Equip a convoy with course monitoring and candidate tires of the same construction type. Place four course monitoring tires on one vehicle. On each other vehicle, place four candidate tires with identical size designations. On each axle, place tires that are identical with respect to manufacturer and line.

(ii) Inflate each candidate and each course monitoring tire to an inflation pressure 8 pounds per square inch less than its maximum permissible inflation pressure.

(iii) Load each vehicle so that the load on each course monitoring and candidate tire is 85 percent of the load specified in Appendix A of § 571.109 of this chapter (Standard No. 109) at the inflation pressure specified in paragraph (e)(2)(ii) of this section.

(iv) Adjust wheel alinement to that specified by the vehicle manufacturer.

(v) Subject candidate and course monitoring tires to "break-in" by running the tires in convoy for two circuits of the test roadway (800 miles). At the end of the first circuit, rotate each vehicle's tires by moving each front tire to the same side of the rear axle and each rear tire to the opposite side of the front axle.

(vi) After break-in, allow the tires to cool to the inflation pressure specified in paragraph (e)(2)(ii) of this section or for 2 hours, whichever occurs first. Measure, to the nearest 0.001 inch, the tread depth of each candidate and course monitoring tire, avoiding treadwear indicators, at six equally spaced points in each groove. For each tire compute the average of the measurements. Do not include those shoulder grooves which are not provided with treadwear indicators.

(vii) Adjust wheel alinement to the manufacturer's specifications.

(viii) Drive the convoy on the test roadway for 6,400 miles. After each 800 miles:

(A) Following the procedure set out in paragraph (e)(2)(vi) of this section, allow the tires to cool and measure the average tread depth of each tire;

(B) Rotate each vehicle's tires by moving each front tire to the same side of the rear axle and each rear tire to the opposite side of the front axle.

(C) Rotate the vehicles in the convoy by moving the last vehicle to the lead position. Do not rotate driver position within the convoy.

(D) Adjust the wheel alinement to the vehicle manufacturer's specifications, if necessary.

(ix) Determine the projected mileage for each candidate tire as follows:

(A) For each course monitoring and candidate tire in the convoy, using the average tread depth measurements obtained in accordance with paragraph (e)(2)(vi) of this section and the corresponding mileages as data points, apply the method of least squares as described in Appendix C to this section to determine the estimated regression line of y on x given by the following formula:

$$y = a + \frac{bx}{1000}$$

Where:

y = average tread depth in mills,
x = mils after break-in,
a = y intercept of regression line (reference tread depth) in mils, calculated using the method of least squares; and
b = the slope of the regression line in mils of tread depth per 1,000 miles, calculated using the method of least squares. This slope will be negative in value. The tire's wear rate is defined as the absolute value of the slope of the regression line.

(B) Average the wear rates of the four course monitoring tires as determined in accordance with paragraph (e)(2)(ix)(A) of this section.

(C) Determine the course severity adjustment factor by dividing the base wear rate for the course monitoring tire (see note below) by the average wear rate for the four course monitoring tires determined in accordance with paragraph (e)(2)(ix)(B) of this section.

NOTE.—The base wear rates for the course monitoring tires will be furnished to the purchaser at the time of purchase.

(D) Determine the adjusted wear rate for each candidate tire by multiplying its wear rate determined in accordance with paragraph (e)(2)(ix)(A) of this section by the course severity adjustment factor determined in accordance with paragraph (e)(2)(ix)(C) of this section.

(E) Determine the projected mileage for each candidate tire using the following formula:

$$\text{Projected mileage} = \frac{1000\ (a-62)}{b'} + 800$$

Where:

a = y intercept of regression line (reference tread depth) for the candidate tire as determined in accordance with paragraph (e)(2)(ix)(A) of this section.
b' = the adjusted wear rate for the candidate tire as determined in accordance with paragraph (e)(2)(ix)(D) of this section.

(F) Compute the percentage of the NHTSA nominal treadwear value for each candidate tire using the following formula:

$$P = \frac{\text{Projected Mileage}}{80{,}000} \times 100$$

Round off the percentage to the nearest lower 10 percent increment.

(f) *Traction grading conditions and procedures*—(1) *Conditions.* (i) Tire traction performance is evaluated on skid pads that are established, and whose severity is monitored, by the NHTSA both for its compliance testing and for that of regulated persons. The test pavements are asphalt and concrete surfaces constructed in accordance with the specifications for pads "C" and "A" in the "Manual for the Construction and Maintenance of Skid Surfaces," National Technical Information Service No. DOT-HS-800-814. The surfaces have locked wheel traction coefficients when evaluated in accordance with paragraphs (f)(2)(i) through (f)(2)(vii) of this section of 0.50±0.10 for the asphalt and 0.35±0.10 for the concrete. The location of the skid pads is described in Appendix B to this section.

(ii) The standard tire is the American Society for Testing and Materials (ASTM) E 501 "Standard Tire for Pavement Skid Resistance Tests."

(iii) The pavement surface is wetted in accordance with paragraph 3.5, "Pavement Wetting System," of ASTM Method E 274-70, "Skid Resistance of Paved Surfaces Using a Full-Scale Tire."

(iv) The test apparatus is a test trailer built in conformity with the specifications in paragraph 3, "Apparatus," of ASTM Method E 274-70, and instrumented in accordance with paragraph 3.3.2 of that method, except that "wheel load" in paragraph 3.2.2 and tire and rim specifications in paragraph 3.2.3 of that method are as specified in the procedures in paragraph (f)(2) of this section for standard and candidate tires.

(v) The test apparatus is calibrated in accordance with ASTM Method F

377-74, "Standard Method for Calibration of Braking Force for Testing of Pneumatic Tires" with the trailer's tires inflated to 24 psi and loaded to 1,085 pounds.

(vi) Consecutive tests on the same surface are conducted not less than 30 seconds apart.

(vii) A standard tire is discarded in accordance with ASTM Method E 501.

(2) *Procedure.* (i) Prepare two standard tires as follows:

(A) Condition the tires by running them for 200 miles on a pavement surface.

(B) Mount each tire on a "test rim" as defined in paragraph S3 of Standard No. 109 (§571.109 of this chapter) which is of a width within −0+0.50 inch of the width listed for the applicable tire size designation under the words "test rim width" in Table I of the Appendix to Standard No. 109. Then inflate the tire to 24 psi.

(C) Statically balance each tire-rim combination.

(D) Allow each tire to cool to ambient temperature and readjust its inflation pressure to 24 psi.

(ii) Mount the tires on the test apparatus described in paragraph (f)(1)(iv) of this section and load each tire to 1,085 pounds.

(iii) Tow the trailer on the asphalt test surface specified in paragraph (f)(1)(i) of this section at a speed of 40 mph, lock one trailer wheel, and record the locked-wheel traction coefficient on the tire associated with that wheel between 0.5 and 1.5 seconds after lockup.

(iv) Repeat the test on the concrete surface, locking the same wheel.

(v) Repeat the tests specified in paragraphs (f)(2)(iii) and (f)(2)(iv) of this section for a total of 10 measurements on each test surface.

(vi) Repeat the procedures specified in paragraphs (f)(2)(iii) through (f)(2)(v) of this section, locking the wheel associated with the other tire.

(vii) Average the 20 measurements taken on the asphalt surface to find the standard tire traction coefficient for the asphalt surface. Average the 20 measurements taken on the concrete surface to find the standard tire traction coefficient for the concrete surface.

(vii) Prepare two candidate tires of the same construction type, manufacturer, line, and size designation in accordance with paragraph (f)(2)(i) of this section, mount them on the test apparatus, and test one of them according to the procedures of paragraphs (f)(2) (ii) through (v) of this section, except load each tire to 85 percent of the load specified at 24 psi for the tires' size designation in Appendix A of Standard No. 109 (§571.109 of this chapter). Average the 10 measurements taken on the asphalt surface to find the candidate tire traction coefficient for the asphalt surface. Average the 10 measurements taken on the concrete surface to find the candidate tire traction coefficient for the concrete surface.

(ix) Compute a candidate tire's adjusted traction coefficient for asphalt (μ_a) by the following formula:

$$\mu_a = \text{Measured candidate tire coefficient for asphalt} + 0.50 - \text{Measured standard tire coefficient for asphalt}$$

(x) Compute a candidate tire's adjusted traction coefficient for concrete (u_c) by the following formula:

$$u_c = \text{Measured candidate tire coefficient for concrete} + 0.35 - \text{Measured standard tire coefficient for concrete}$$

(g) *Temperature resistance grading.* (1) Mount the tire on any test rim as defined in S3 of Standard No. 109 (§571.109 of this chapter) and inflate it to 2 pounds per square inch less than its maximum permissible inflation pressure.

(2) Condition the tire-rim assembly at an ambient temperature of 105° F. for 3 hours.

(3) Adjust the pressure again to 2 pounds per square inch less than the maximum permissible inflation pressure.

(4) Mount the tire-rim assembly on an axle, and press the tire tread against the surface of a flat-faced steel test wheel that is 67.23 inches in diameter and at least as wide as the section width of the tire.

(5) During the test, including the pressure measurements specified in paragraphs (g)(1) and (g)(3) of this section, maintain the temperature of the ambient air, as measured 12 inches from the edge of the rim flange at any point on the circumference on either side of the tire, at 105° F. Locate the temperature sensor so that its readings are not affected by heat radiation, drafts, variations in the temperature of the surrounding air, or guards or other devices.

(6) Press the tire against the test wheel at the load specified in Appendix A of §571.109 of this chapter (Motor Vehicle Safety Standard No. 109) for the tire's size designation and the inflation pressure that is 8 pounds per square inch less than the tire's maximum permissible inflation pressure.

(7) Rotate the test wheel at 250 rpm for 2 hours.

(8) Remove the load, allow the tire to cool to 105° F or for 2 hours, whichever occurs last, and readjust the inflation pressure to 2 pounds per square inch less than the tire's maximum permissible inflation pressure.

(9) Reapply the load and without interruption or readjustment of inflation pressure, rotate the test wheel at 375 rpm for 30 minutes, and then at successively higher rates in 25 rpm increments, each for 30 minutes, until the tire has run at 575 rpm for 30 minutes, or to failure, whichever occurs first.

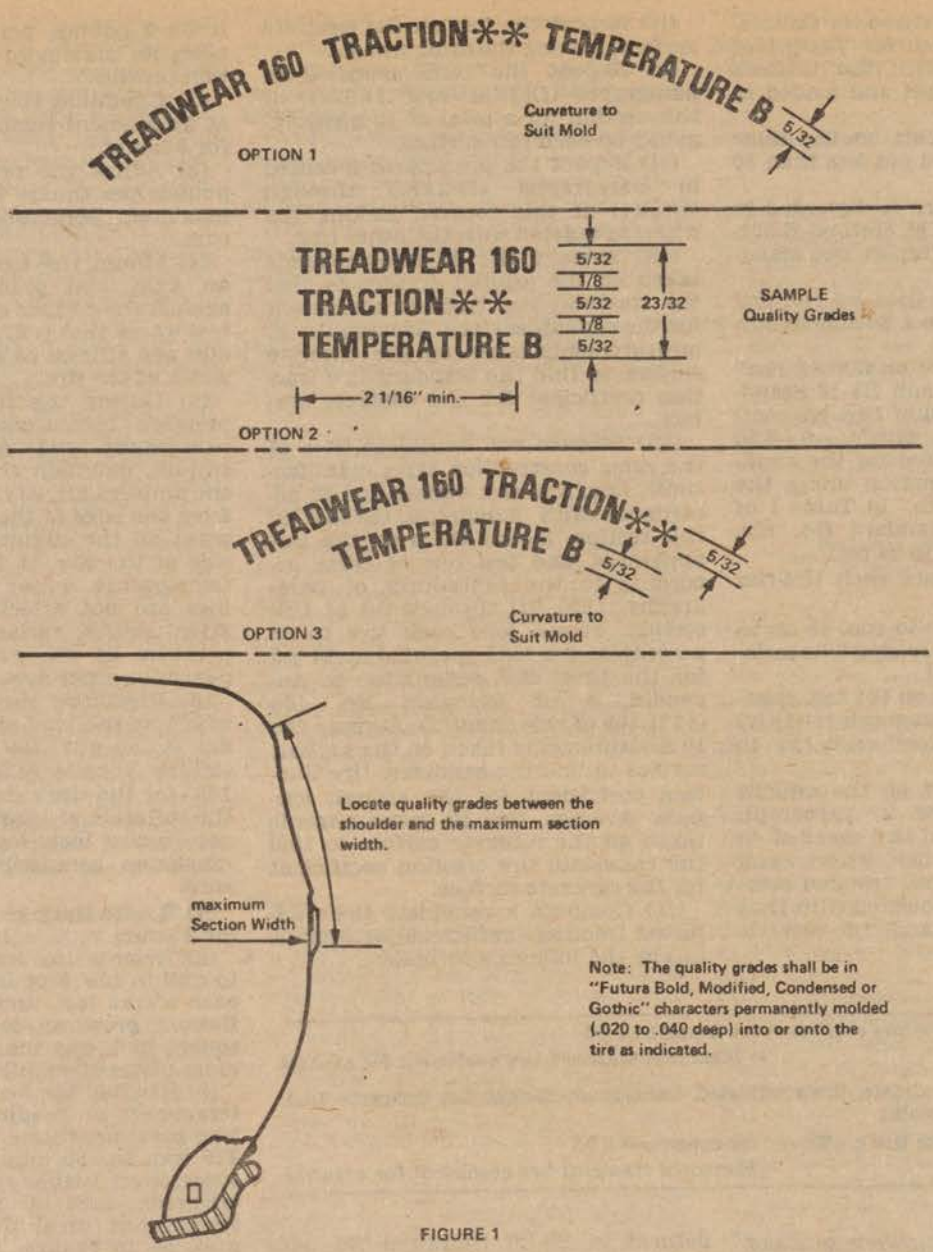


FIGURE 1

FIGURE 2.—DOT QUALITY GRADES

ALL PASSENGER CAR TIRES MUST CONFORM TO FEDERAL SAFETY REQUIREMENTS IN ADDITION TO THESE GRADES

TREADWEAR

The treadwear grade is a comparative rating based on the wear rate of the tire when tested under controlled conditions on a specified government test course. For example, a tire graded 150 would wear one and a half (1½) times as well on the government course as a tire graded 100. The relative performance of tires depends upon the actual conditions of their use, however, and may depart significantly from the norm due to variations in driving habits, service practices and differences in road characteristics and climate.

TRACTION ** * 0

The traction grades, from highest to lowest, are **, *, and 0, and they represent the tire's ability to stop on wet pavement as measured under controlled conditions on specified government test surfaces of asphalt and concrete. A tire marked 0 may have poor traction performance. Warning: The traction grade assigned to this tire is based on braking (straightahead) traction tests and does not include cornering (turning) traction.

TEMPERATURE A B C

The temperature grades of A (the highest), B, and C, representing the tire's resistance to the generation of heat and its ability to dissipate heat when tested under controlled conditions on a specified indoor laboratory test wheel. Sustained high temperature can cause the material of the tire to degenerate and reduce tire life, and excessive

temperature can lead to sudden tire failure. The grade C corresponds to a level of performance which all passenger car tires must meet under the Federal Motor Vehicle Safety Standard No. 109. Grades B and A represent higher levels of performance on the laboratory test wheel than the minimum required by law. **Warning:** The temperature grade for this tire is established for a tire that is properly inflated and not overloaded. Excessive speed, underinflation, or excessive loading, either separately or in combination, can cause heat buildup and possible tire failure.

APPENDIX A—TREADWEAR TEST COURSE AND DRIVING PROCEDURES

Introduction. The test course consists of three loops of a total of 400 miles in the geographical vicinity of Goodfellow AFB, San Angelo, Tex.

The first loop runs south 143 miles through the cities of Eldorado, Sonora, and Juno, Tex. to the Camp Hudson Historical Marker, and returns by the same route.

The second loop runs east over Farm and Ranch Roads (FM) and returns to its starting point.

The third loop runs northwest to Water Valley, northeast toward Robert Lee and returns via Texas 208 to the vicinity of Goodfellow AFB.

Route. The route is shown in figure 3. The table identifies key points by number. These numbers are encircled in figure 3 and in parentheses in the descriptive material that follows.

Southern Loop. The course begins at the intersection (1) of Ft. McKavitt Road and Paint Rock Road (FM388) at the northwest corner of Goodfellow AFB.

Drive east via FM 388 to junction with Loop Road 306 (2). Turn right onto Loop Road 306 and proceed south to junction with US277 (3). Turn onto US277 and proceed south through Eldorado and Sonora (4), continuing on US277 to junction with FM189 (5). Turn right onto FM189 and proceed to junction with Texas 163 (6). Turn left onto Texas 163, proceed south to Camp Hudson Historical Marker and onto the paved shoulder (7). Reverse route to junction of Loop Road 306 and FM 388 (2).

Eastern Loop. From junction of Loop Road 306 and FM388 (2) make right turn onto FM388 and drive east to junction with FM2334 (13). Turn right onto FM2334 and proceed south across FM765 (14) to junction of FM2334 and US87 (15). Make U-turn and return to junction of FM388 and Loop Road 306 (2) by the same route.

Northwestern Loop. From junction of Loop Road 306 and FM388 (2), make right turn onto Loop Road 306. Proceed onto US277, to junction with FM2105 (8). Turn left onto FM2105 and proceed west to junction with US87 (10). Turn right on US87 and proceed northwest to the junction with FM2034 near the town of Water Valley (11). Turn right onto FM2034 and proceed north to Texas 208 (12). Turn right onto Texas 208 and proceed south to junction with FM2105 (9). Turn left onto FM2105 and proceed east to junction with US277 (8). Turn right onto US277 and proceed south onto 306 to junction with 388 (2). Turn right onto 388 and proceed to starting point at junction of Ft. McKavitt Road and FM388 (1).

Driving instructions. The drivers shall run at posted speed limits throughout the course unless an unsafe condition arises. If such condition arises, the speed should be reduced to the maximum safe operating speed.

Braking Procedures at STOP signs. There are a number of intersections at which stops are required. At each of these intersections a series of signs is placed in a fixed order at follows:

SIGN LEGEND

Highway Intersection 1000 (or 2000) Feet
STOP AHEAD
Junction XXX
Direction Sign (Mereta→)
STOP or YIELD

Procedures. 1. Approach each intersection at posted speed limit.

2. When abreast of the STOP AHEAD sign, apply the brakes so that the vehicle decelerates smoothly to 20 mph when abreast of the direction sign.

3. Come to a complete stop at the STOP sign or behind any vehicle already stopped.

Key points along treadwear test course, approximate mileages, and remarks

		Mileages	Remarks
1	Fort McKavitt Rd. and F.M. 388	0	
2	F.M. 388 and loop 306	3	STOP
3	Loop 306 and U.S. 277	10	
4	Sonora	72	
5	U.S. 277 and F.M. 189	88	
6	F.M. 189 and Texas 163	124	
7	Historical marker (Camp Hudson)	143	U-TURN
4	Sonora	214	
3	Loop 306 and U.S. 277	276	
2	F.M. 388 and loop 306	283	
13	F.M. 388 and F.M. 2334	290	STOP
14	F.M. 2334 and F.M. 765	292	STOP
15	F.M. 2334 and U.S. 87	295	U-TURN
14	F.M. 2334 and F.M. 765	298	STOP
13	F.M. 388 and F.M. 2334	300	STOP / YIELD / BLINKING RED LIGHT
2	F.M. 388 and loop 306	307	STOP / YIELD / BLINKING RED LIGHT
8	U.S. 277 and F.M. 2105	313	
9	F.M. 2105 and Texas 208	317	STOP
10	F.M. 2105 and U.S. 87	320	STOP
11	F.M. 2034 and U.S. 87	338	
12	F.M. 2034 and Texas 208	362	YIELD
9	F.M. 2105 and Texas 208	387	
8	F.M. 2105 and U.S. 277	391	YIELD / STOP
2	F.M. 388 and loop 306	397	
1	Fort McKavitt Rd. and F.M. 388	400	

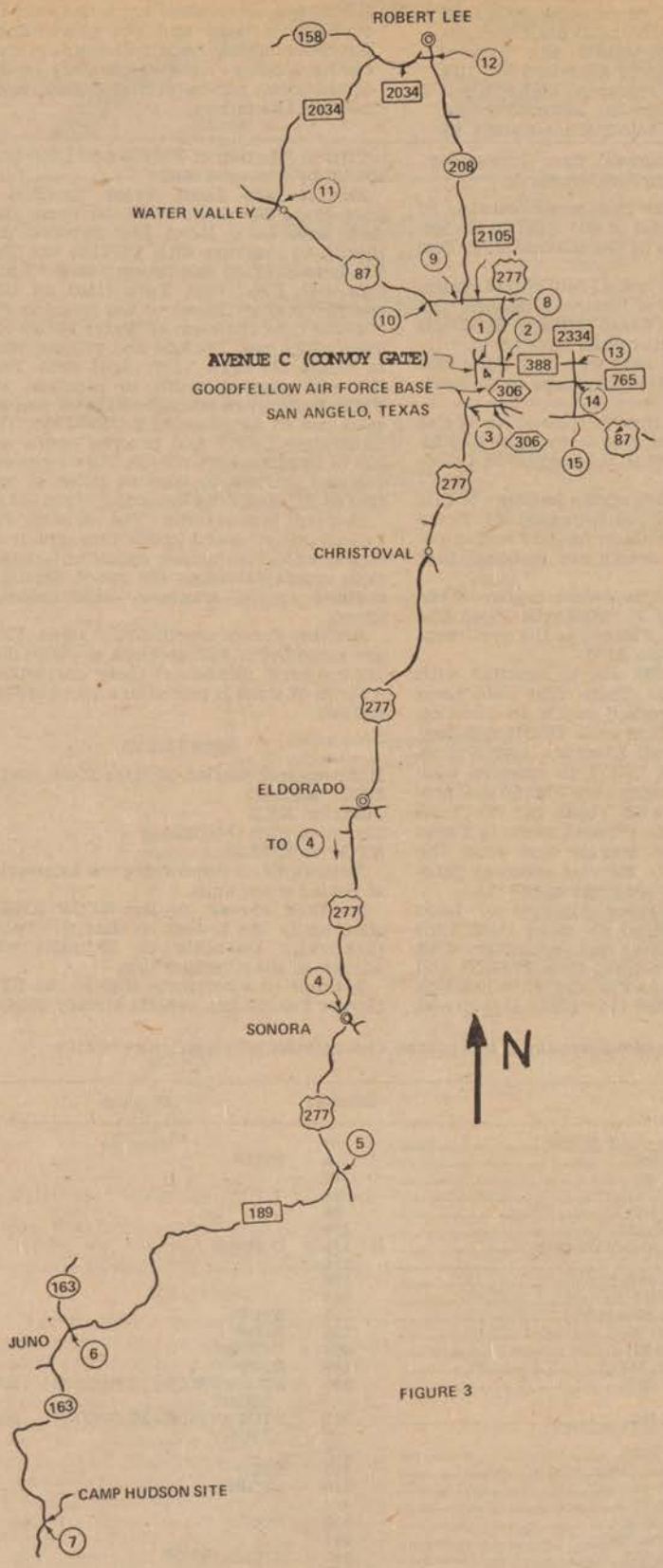

ROBERT LEE
158
12
2034
2034
208
11
WATER VALLEY
2105
87
9
277
8
10
1
2
2334
13
AVENUE C (CONVOY GATE)
388
765
GOODFELLOW AIR FORCE BASE
306
14
SAN ANGELO, TEXAS
3
306
87
15
277
CHRISTOVAL
277
ELDORADO
TO 4
277
4
SONORA
N
277
5
189
163
JUNO
6
163
CAMP HUDSON SITE
7

FIGURE 3

APPENDIX B—TRACTION SKID PADS

Two skid pads have been laid on an unused runway and taxi strip on Goodfellow AFB. Their location is shown in Figure 4.

The asphalt skid pad is 600 ft. x 60 ft. and is shown in black on the runway in Figure 4. The pad is approached from either end by a 75 ft. ramp followed by 100 ft. of level pavement. This arrangement permits the skid trailers to stabilize before reaching the test area. The approaches are shown on the figure by the hash-marked area.

The concrete pad is 600 ft. x 48 ft. and is on the taxi strip. The approaches to the concrete pad are of the same design as those for the asphalt pads.

A two lane asphalt road has been built to connect the runway and taxi strip. The road is parallel to the northeast-southwest runway at a distance of 100 ft. The curves have super-elevation to permit safe exit from the runway at operating speeds.

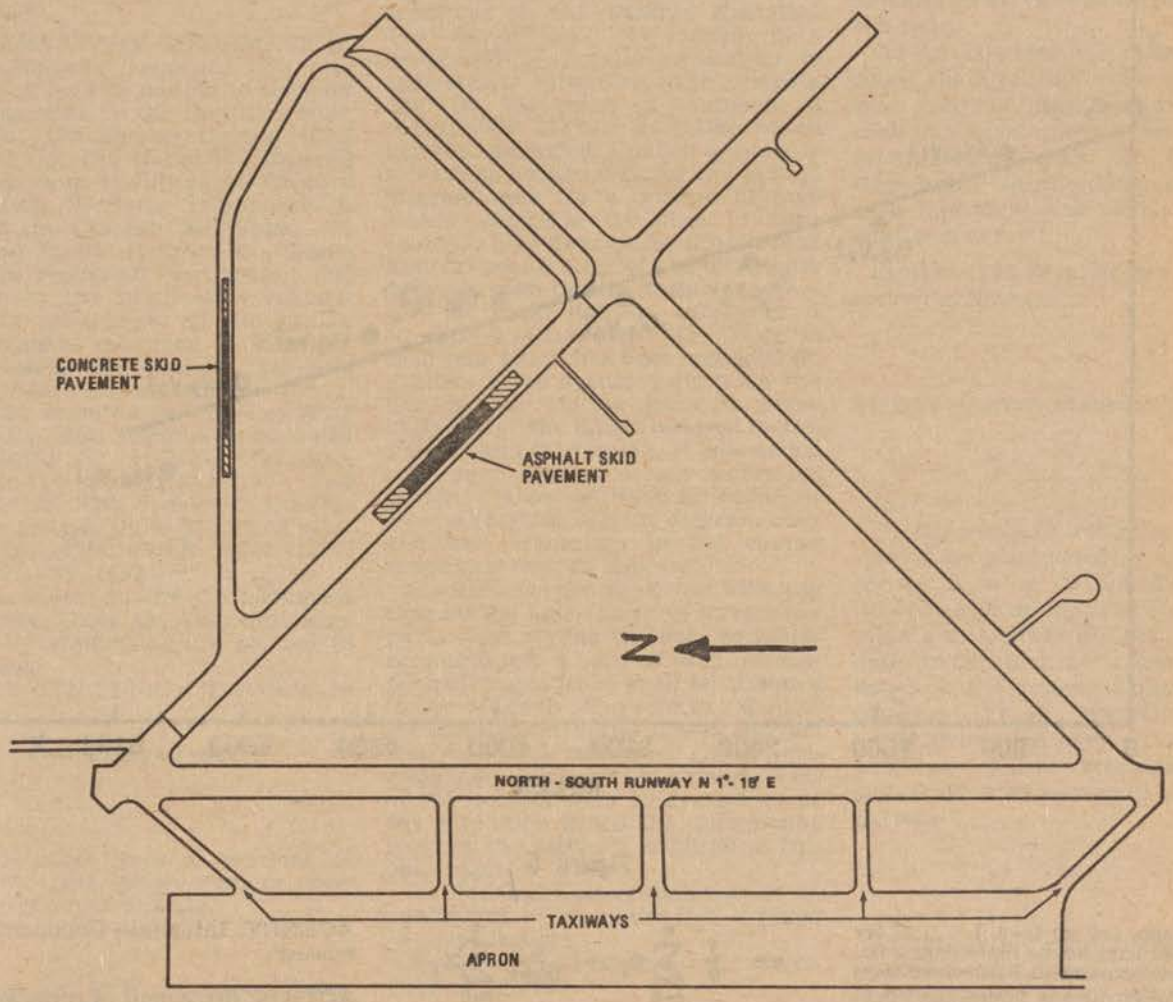


FIGURE 4

APPENDIX C—METHOD OF LEAST SQUARES

The method of least squares is a method of calculation by which it is possible to obtain a reliable estimate of a true physical relationship from a set of data which involve random error. The method may be used to establish a regression line that minimizes the sum of the squares of the deviations of the measured data points from the line. The regression line is consequently described as the line of "best fit" to the data points. It is described in terms of its slope and its "y" intercept.

The graph in Figure 5 depicts a regression line calculated using the least squares method from data collected from a hypothetical treadwear test of 6,400 miles, with tread depth measurements made at every 500 miles.

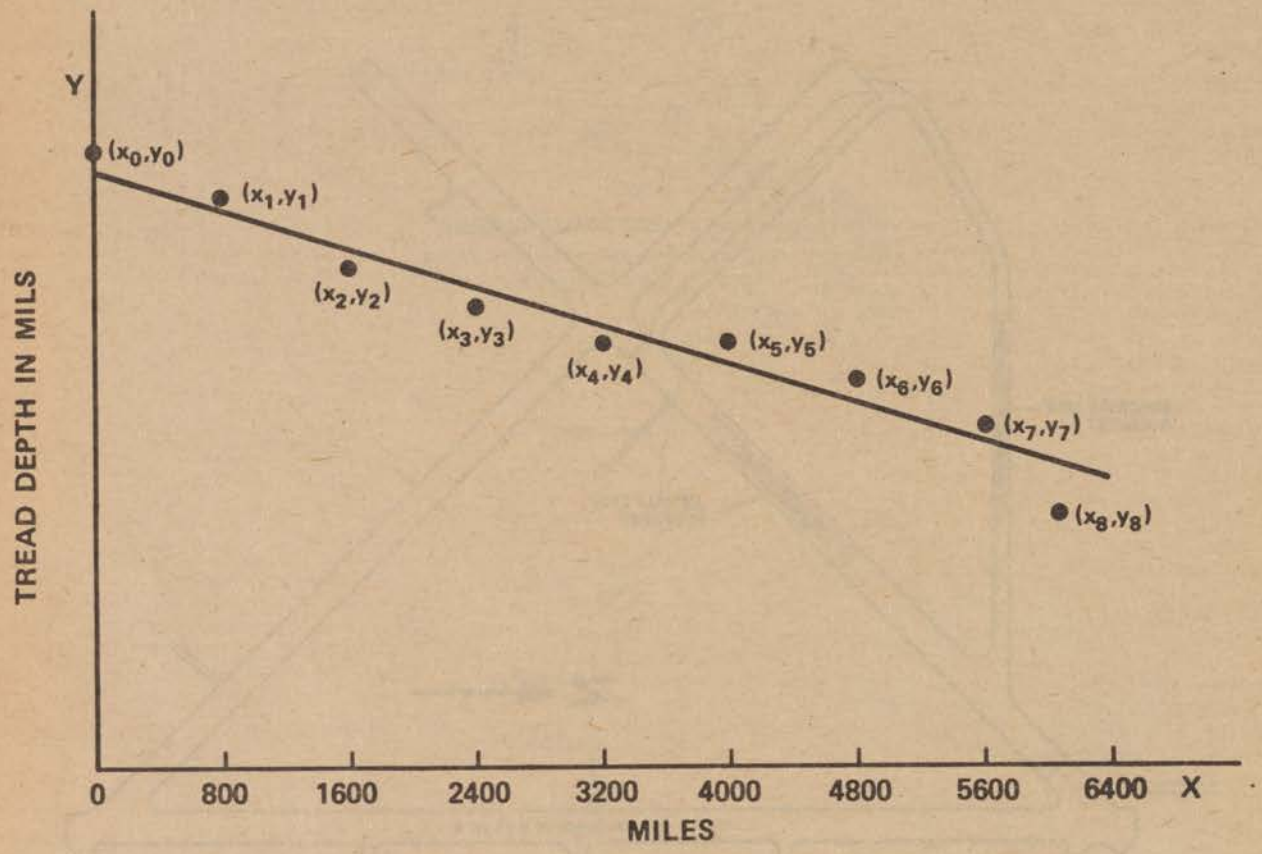


Figure 5

In this graph, (xi, yi) $[j=0, 1, \ldots 8]$ are the individual data points representing the tread depth measurements (the overall average for the tire with 6 measurements in each tire groove) at the beginning of the test (after break-in) and at the end of each 800-mile segment of the test.

The absolute value of the slope of the regression line is an expression of the mils of tread worn per 1,000 miles, and is calculated by the following formula:

$$b = 1000 \frac{\left(\sum_{j=0}^{8} X_j Y_j - \frac{1}{9}\sum_{j=0}^{8} X_j \sum_{j=0}^{8} Y_j\right)}{\sum_{j=0}^{8} X_j^2 - \frac{1}{9}\left(\sum_{j=0}^{8} X_j\right)^2}$$

The "y" intercept of the regression line (a) in mils is calculated by the following formula:

$$a = \frac{1}{9}\sum_{j=0}^{8} Y_j - \frac{b}{9000}\sum_{j=0}^{8} X_j$$

[FR Doc. 78-19664 Filed 7-14-78; 8:45 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex. Parte No. 274 (Sub-No. 2)]

PART 1121—ABANDONMENT OF RAILROAD LINES AND DISCONTINUANCE OF SERVICE

Abandonment of Railroad Lines and Discontinuance of Service

AGENCY: Interstate Commerce Commission.

ACTION: Statement of revision of regulations.

SUMMARY: The Commission is amending its regulations on abandonment of railroad lines and discontinuance of service. This proceeding was reopened on the Commission's own motion to consider pleadings that were filed by many of the affected lines.

The pleadings requested clarification and changes to the notification requirement for amendment of the system diagram map, reference to inclusion on the system diagram map in the notice, base year and calendar year information, and information required by the summary application for abandonment or discontinuance of service. The regulations have been revised in response to the pleadings.

DATES: These revisions to the regulations were effective on May 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Edward J. Schack, Acting Deputy Director, Section of Finance, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7581.

SUPPLEMENTARY INFORMATION: The Commission reopened this proceeding on its own motion to consider pleadings filed by the Soo Line Railroad Co., the Illinois Central Gulf Railroad Co., the National Industrial Traffic League, Family Lines, Chicago and North Western Transportation Co. and the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. These pleadings requested clarification and changes to the notification requirement for amendment of the system diagram map, reference to inclusion on the system diagram map, base year and calendar year information, and information required by the summary application. The Commission amended §§ 1121.20(b) (5), 1121.22, 1121.23(a), 1121.23(c)(1), 1121.32(a)(7) and 1121.32(d)(2). This revision of the regulations amends those published at 41 FR 48520 (1976), 42 FR 25327 (1977) and 43 FR 7623 (1978).

The revisions to the Abandonment of Railroad Lines and Discontinuance of Service regulations are printed in full below.

Section 1121.20(b)(5) is revised as follows:

§ 1121.20 System diagram map.

* * * * *

(b) * * *

(5) All other lines or portions of lines which the carrier owns or operates, directly or indirectly.

* * * * *

Section 1121.22 is revised as follows:

§ 1121.22 Filing and publication.

(a) Each carrier shall file with the Commission six copies of its color-coded system diagram map (identified by its "AB number" as set forth in Appendix B hereto) and of the accompanying line descriptions. When an amended map is filed, the line descriptions for the lines which were amended must be filed. The initial system diagram map and descriptions shall be filed within 180 days after the effective date of these regulations.

(b) The color-coded system diagram map, any amendments of the map, and accompanying line descriptions shall be served upon the Governor, the public service commission (or equivalent agency) and the designated State agency of each State within which the carrier operates or owns a line of railroad.

(c) The Commission shall publish a black-and-white version of the initial and each amended system diagram map as submitted in accordance with § 1121.20(d) and accompanying line descriptions in the FEDERAL REGISTER. The carrier shall: (1) Publish in a newspaper of general circulation in each county within which is located a line in categories 1 through 3 (§ 1121.20(b) (1)-(3)) or a line which has been amended, a notice containing a black-and-white copy of the system diagram map (or a portion of map clearly depicting its lines in such county) and a description of each such line; (2) post a copy of the newspaper notice in each agency station or terminal on each line in categories 1 through 3 (§ 1121.20(b) (1)-(3)) or on each line which has been amended or, if there is no agency station on the line, at any station through which business for the line is received or forwarded; and (3) furnish, at reasonable cost, upon request of any interested person a copy of its color-coded or black-and-white system diagram map and the publication in the county newspaper shall so indicate.

(d) Each carrier shall file with the Commission an affidavit of service and publication stating the date each was accomplished. A copy of each newspaper notice published shall be attached to the affidavit. The effective date of the filing of the initial system diagram map and each amended system diagram map as required in paragraph (a) of this section shall be deemed to be the date upon which the Commission receives the affidavit required in this paragraph.

(e) The Commission shall require republication of the notice if it is found to be inadequate.

Section 1121.23 (a) and (c)(1) are revised as follows:

§ 1121.23 Amendment of the system diagram map.

(a) Each carrier shall be responsible for maintaining the continuing accuracy of its system diagram map and the accompanying line descriptions. Each carrier shall also prepare and submit to the Commission a black-and-white version of the system diagram map and accompanying line descriptions which clearly identify each of these categories of line and are suitable for publication in the FEDERAL REGISTER, in accordance with Appendix A. Amendments may be filed at any time and will be subject to all carrier filing and publication requirements of § 1121.22 as they apply to the amendment and each individual line which has been amended.

* * * * *

(c) Each carrier shall file with the Commission, at the time it files its annual report required by Part 1241 of this title:

(1) An amended and updated color-coded and black-and-white system diagram map and line descriptions which shall be subject to the filing and publication requirements of § 1121.22 as they apply to the amendment and each individual line which has been amended; or * * *.

Section 1121.32 (a)(7) and (d)(2) are revised as follows:

* * * * *

§ 1121.32 Contents of application.

* * * * *

(a) * * *

(7) Reference to inclusion of the rail line to be abandoned or over which service is to be discontinued on the carrier's system diagram map, in compliance with § 1121.20-1121.23, and the date upon which such line was first listed on the system diagram map in category 1 in accordance with § 1121.20(b)(1). A copy of the line description which accompanies the system diagram map shall also be submitted.

* * * * *

(d) * * *

(2) The same computation shall be made for the 2 calendar years immediately preceding the filing of the application and for that part of the current year for which information is available using data collected at the branch level to the extent available and otherwise allocating system revenues and expenses to the line. The basis for any such allocation shall be stated with particularity.

* * * * *

By the Commission.

Dated: May 4, 1978.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19543 Filed 7-14-78; 8:45 am]

[7035-01]

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[Docket No. 36767]

ACCOUNTING FOR CERTAIN GOVERNMENT TRANSFERS BY RAILROADS AND MOTOR CARRIERS OF PASSENGERS

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The final rule provides accounting and reporting regulations for certain transfers of cash and other assets to railroads and bus companies from Federal, State, or local governments. In recent years, government transfers have become an important source of income for some railroads and bus companies. This rule is intended to assure that these transfers are disclosed in a manner which does not distort or mislead users of the recipients' financial statements.

DATES: This reporting revision is effective for the year beginning January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Bryan Brown, Jr., Chief, Section of Accounting, Bureau of Accounts, Interstate Commerce Commission, 202-275-7448.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking dated November 30, 1977, served December 23, 1977, and published in the FEDERAL REGISTER on January 9, 1978 (43 FR 1371), the Commission announced that it had under consideration new accounting and reporting regulations for certain transfers of cash and other assets to railroads and bus companies from Federal, State, or local governments.

In recent years, railroads and bus companies have been the recipients of large amounts of cash and other assets from Federal, State, and local authorities. These transfers have been for a variety of purposes, and take the form of (1) subsidies given to improve either working capital or productive capacity, or (2) payments of a continuing nature designed to reimburse carriers for losses sustained on specific lines or in certain regions.

Because large sums are often involved, we believe that proper accounting and reporting of government transfers is necessary to prevent distortion and misinterpretation of the recipients' financial statements. There are currently no rules prescribed by the Commission which detail accounting and reporting requirements for government transfers to railroads and bus companies. Therefore, we are adopting certain pertinent revisions to the Uniform Systems of Accounts for Railroads (49 CFR Pt. 1201, Subpar. A) and Motor Carriers of Passengers (49 CFR Pt. 1206), and also to the appropriate annual report forms (Railroads Forms R-1 and R-2; Motor Carrier of Passenger Form MP-1). In addition, we are requiring disclosure of government transfers in quarterly reports filed with the Commission by railroads and bus companies.

Below are the accounting and reporting rules we are adopting. Additional information will be forwarded upon request.

(49 U.S.C. 12, 20, 304, 320.)

H. G. HOMME, Jr.
Acting Secretary.

PART 1201—RAILROAD COMPANIES

Amend Part 1201—Uniform System of Accounts for Railroad Companies:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Balance Sheet Accounts," the following revision is made: The following item is added after line item 782, "Other Liabilities."

783 Deferred Revenues—Transfers from Government Authorities

* * * * *

Under "Income Accounts" the following revisions are made: Line item 501 is revised as follows:

501 Railway Operating Revenues (Exclusive of Transfers from Government Authorities)

The following items are added after item 501:

502 Railway Operating Revenues—Transfers from Government Authorities for Current Operations
503 Railway Operating Revenues—Amortization of Deferred Transfers from Government Authorities

* * * * *

Income Statement Accounts

The title and text of account 501 is revised as follows:

501 Railway Operating Revenues (Exclusive of Transfers from Government Authorities).

This account shall include the total revenues derived from operations, as shown in the primary revenue accounts provided elsewhere in the regulations.

NOTE: Transfers from government authorities shall be accounted for in accordance with the provisions of Instruction 1-15.

* * * * *

The following account and texts are added:

502 Railway Operating Revenues—Transfers from Government Authorities for Current Operations.

This account shall include amounts received or receivable from Federal, state, or municipal authorities which are specifically designated to offset operating expenses, or which may be applied at the discretion of the railroad to operating expenses and/or railroad property.

This account shall also include amounts received from government authorities to offset operating costs sustained on specific lines or in certain regions. Examples are: (1) Local Rail Service Assistance Subsidies granted to the carrier under authority of the Railroad Revitalization and Regulatory Reform Act of 1976, and (2) payments by regional transit authorities in connection with specified operations performed by the carrier.

This account shall also include indirect receipts which reduce operating expenses, such as assumption of station maintenance costs, abatement of taxes, or other indirect contributions by government agencies, if clearly identifiable and measurable.

NOTE.—This account shall not include receipts from government authorities designated for the acquisition, addition to, or improvement of railway operating property. (See instruction 1-15.)

503 Railway Operating Revenues—Amortization of Deferred Transfers from Government Authorities.

This account shall include the amortization applicable to amounts representing the cost of acquisition, addition to, or improvement of depreciable operating property received from Federal, state, or municipal authorities. (See instruction 1-15, and Account 783, "Deferred Revenues—Transfers from Government Authorities.")

* * * * *

The "Form of Income Statement" is revised as follows:

Form of Income Statement

501 Railway Operating Revenues (Exclusive of Transfers from Government Authorities)
502 Railway Operating Revenues—Transfers from Government Authorities for Current Operations
503 Railway Operating Revenues—Amortization of Deferred Transfers from Government Authorities

* * * * *

General Balance Sheet Accounts

The following account and text is added:

783 Deferred Revenues—Transfers from Government Authorities.

This account shall include amounts representing the cost of acquisition, addition to, or improvement of depreciable operating property received, or receivable from Federal, state, or local authorities. Items to be included in

this account shall be determined in accordance with instruction 1-15.

An appropriate record shall be maintained of each asset associated with these transfers showing: (1) Original cost to carrier (or fair value if not purchased), (2) accumulated depreciation, and (3) estimated salvage value, if any.

This account shall be charged periodically, and Account 503, "Railway Operating Revenues—Amortization of Deferred Transfers from Government Authorities," shall be credited with amounts equal to the depreciation costs of the assets to which they apply. When such assets are retired or otherwise disposed of, this account shall be charged, and Account 503 concurrently credited with any remaining associated amounts. (See instruction 1-15.)

NOTE A: This account shall not include government transfers in the form of, or designated for the purchase of land or other non-depreciable property. Transfers of this type are includible in Account 795, "Other Capital."

NOTE B: This account shall not include transfers from the Federal Government to either Amtrak or ConRail representing the cost of depreciable and non-depreciable operating property.

* * * * *

The text of Account 795, "Other Capital" is revised to read:

795 Other Capital.

* * * * *

(d) This account shall be subdivided to show the cumulative amounts representing the cost of nondepreciable operating property received from government authorities, in accordance with the provisions of Instruction 1-15.

(e) This account shall also be subdivided to show the cumulative amounts representing the cost of depreciable and nondepreciable operating property received by Amtrak or Conrail from the Federal Government. (See Instruction 1-15.)

* * * * *

The "Form of General Balance Sheet Statement" is revised as follows:

Form of General Balance Sheet Statement

* * * * *

782 * * *
Deferred Credits:
783 Deferred Revenues—Transfers from Government Authorities

* * * * *

General Instructions

The following general instruction is added:

1-14 * * *

1-15 Transfers from Government Authorities.

When a Federal, State, or municipal government transfers cash or other assets to a railroad, the transaction shall be accounted for in accordance with the provisions set forth hereunder.

(a) The following forms of government transfers shall be included in Account 502, "Railway Operating Revenues—Transfers from Government Authorities for Current Operations" when received:

(1) Payments as reimbursement for operating losses sustained on a specific line, or in a certain region. Examples include support of commuter operations of a railroad, and local rail service assistance subsidies granted to a railroad under authority of the Railroad Revitalization and Regulatory Reform Act of 1976;

(2) Subsidies designated by the donor to offset operating expenses of the railroad, and

(3) Subsidies which may be applied at the discretion of the recipient to operating expenses and/or operating property.

(b) Government transfers relating to the acquisition, addition to, or improvement of depreciable operating property shall be included in Account 783, "Deferred Revenues—Transfers from Government Authorities" when received. Account 783 shall be periodically charged, and Account 503, "Railway Operating Revenues—Amortization of Deferred Transfers from Government Authorities" shall be credited with amounts equal to the depreciation costs of the assets to which they apply.

(c) Government transfers in the form of, or designated for the purchase of nondepreciable operating property shall be included in Account 796, "Other Capital Surplus" in the manner described in the text of that account.

(d)(1) Transfers from the Federal Government to Amtrak and ConRail relating to the acquisitions, addition to, or improvement of depreciable or nondepreciable operating property shall be included in account 796 in the manner described in the text of that account.

(2) Transfers from the Federal Government to Amtrak and ConRail other than those described in paragraph (d)(1) shall be accounted for in accordance with paragraph (a) of this section.

(e) The provisions of this section do not apply to the following forms of government transfers:

(1) Government contributions in connection with construction projects in which government agencies and railroads participate. Transfers of this type shall be accounted for in accordance with the provisions of Instruction 2-17. Paragraph (b) of that instruction lists applicable construction projects.

(2) Government payment for specific services rendered by the carrier in transporting property or persons by rail line other than services described in paragraph (a)(1) of this section. Such payments shall be included in Account 501, "Railway Operating Revenues (Exclusive of Transfers from Government Authorities)."

(3) Government transfers relating to other than carrier operations.

(4) Government transfers in exchange for debt and/or equity securities of recipients.

(f) Government transfers shall generally be recorded when made available to the railroad. However, transfers relating to specific operations shall be recorded as earned.

(g) Government transfers in the form of assets other than cash shall be recorded at fair value when received.

* * * * *

PART 1206—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

Amend Part 1206—Uniform System of Accounts for Common and Contract Motor Carriers of Passengers:

LIST OF DEFINITIONS, INSTRUCTIONS AND ACCOUNTS

Under "Balance Sheet Accounts," the following revision is made:

The following line item is added after line item 2360, "Other Long-term Obligations":

2410 Deferred Revenues—Transfer from Government Authorities

* * * * *

Under "Income Accounts" the following revisions are made:

Line item 3000 is revised as follows:

3000 Operating Revenues (Exclusive of Transfers from Government Authorities)

The following line items are added after item 3600, "Miscellaneous Station Revenue":

3700 Operating Revenues—Transfers from Government Authorities for Current Operations

3800 Operating Revenues—Amortization of Deferred Transfers from Government Authorities

* * * * *

Income Statement Accounts

The title text of account 3000 is revised as follows:

3000 Operating Revenues (Exclusive of Transfers from Government Authorities).

This account shall include the total operating revenues as provided in the primary operating revenue accounts, derived by the carrier from its motor carrier operations during the period covered by the income account.

NOTE.—Transfers from government authorities shall be accounted for in accordance with the provisions of Instruction 2-35.

* * * * *

The following accounts and texts are added:

3700 Operating Revenues—Transfers from Government Authorities for Current Operations.

This account shall include amounts received or receivable from Federal, State, or municipal authorities which are specifically designated to offset operating expenses, or which may be applied at the discretion of the carrier to operating expenses and/or carrier operating property.

This account shall include amounts received from government authorities to offset operating costs sustained on specific routes, such as payments by regional transit authorities in connection with specified commuter operations performed by the carrier.

This account shall also include indirect receipts which reduce operating expenses such as assumption of station maintenance costs, abatement of taxes, or other indirect contributions by government agencies, if clearly identifiable and measurable.

NOTE: This account shall not include receipts from government agencies in the form of, or designated for the acquisition, addition to, or improvement of carrier operating property. (See instruction 2-35.)

3800 Operating Revenues—Amortization of Deferred Transfers from Government Authorities.

This account shall include the amortization applicable to amounts representing the cost of acquisition, addition to, or improvement of depreciable operating property received from Federal, State or muncipal authorities. (See instruction 2-35, and Account 2410, "Deferred Revenues—Transfers from Government Authorities.")

* * * * *

The text of Account 9999, "Form of Income Statement" is revised as follows:

9999 Form of Income Statement
3000 Operating Revenues (Exclusive of Transfers from Government Authorities)
3700 Operating Revenues—Transfers from Government Authorities for Current Operations
3800 Operating Revenues—Amortization of Deferred Transfers from Government Authorities

* * * * *

Balance Sheet Accounts

The following account and text is added:

2410 Deferred Revenues—Transfers from Government Authorities.

This account shall include amounts representing the cost of acquisition, addition to, or improvement of depreciable operating property received or receivable from Federal, State, or local authorities. Items to be included in this account shall be determined in accordance with instruction 2-35.

An appropriate record shall be maintained of each asset associated with these transfers showing: (1) Original cost to carrier (or fair value if not purchased), (2) accumulated depreciation, and (3) estimated salvage value, if any.

This account shall be charged periodically, and Account 3800, "Operating Revenues—Amortization of Deferred Transfers from Government Authorities," shall be credited with amounts equal to the depreciation costs of the assets to which they apply. When such assets are retired or otherwise disposed of, this account shall be charged, and Account 3800 concurrently credited with any remaining associated amounts. (See instruction 2-35).

NOTE.—This account shall not include government transfers in the form of, or designated for the purchase of land or other nondepreciable property. Transfers of this type are includable in Account 2900, "Unearned Surplus."

* * * * *

The text of Account 2900, "Unearned Surplus" is revised to read:

2900 Unearned Surplus.

(a) This account shall include all surplus not classified in this part as earned surplus. It shall include such items as surplus arising from the donations by stockholders of the carrier's capital stock; surplus recorded at reorganization or in connection with recapitalization; net credits resulting from reacquisition or resales of carrier's capital stock (see instruction 14); amortization of discount and expenses on capital stock (see instruction 12); and from a reduction of the par or stated value of the carrier's capital stock where allowed by statute.

(b) This account shall be subdivided into accounts to show each source of unearned surplus (including the cumulative amounts representing the cost of nondepreciable property received from government authorities, in accordance with the provisions of instruction 2-35).

(c) No entry shall be made in this account to create unearned surplus arising out of the reevaluation of carrier operating property except upon written order of the Commission.

* * * * *

The text of Account 2999, "Form for Balance Sheet Statement" is revised to read:

2999 Form of Balance Sheet Statement.

* * * * *

2360 * * *
2410 Deferred Revenues—Transfers from Government Authorities

* * * * *

Instructions

The following instruction is added:

2-34 * * *

2-35 Transfers from Governent Authorities.

When a Federal, State, or municipal government transfers cash or other assets to a motor carrier of passengers, the transaction shall be accounted for in accordance with the provisions set forth hereunder.

(a) The following forms of government transfers shall be included in Account 3700, "Operating Revenues—Transfers from Government Authorities for Current Operations" when received:

(1) payments as reimbursement for operating losses sustained on a specific route or in a certain region, such as support of busline commuter operations;

(2) subsidies designated by the donor to offset operating expenses of the recipient, and

(3) subsidies which may be applied at the discretion of the recipient to operating expenses and/or operating property.

(b) Government transfers relating to the acquisition, addition to, or improvement of depreciable operating property shall be included in Account 2410, "Deferred Revenues—Transfers from Government Authorities" when received. Account 2410 shall be periodically charged, and Account 3800, "Operating Revenues—Amortization of Deferred Transfers from Government Authorities" shall be credited with amounts equal to the depreciation costs of the assets to which they apply.

(c) Government transfers in the form of, or designated for the purchase of nondepreciable operating porperty shall be included in Account 2900, "Unearned Surplus" in the manner described in the text of that account.

(d) The provisions of this section do not apply to government payments for specific services rendered by the carrier in transporting passengers by bus line (other than services described in paragraph (a)(1) of this section). Such payments shall be included in Account 3000, "Operating Revenues (Exclusive of Government Transfers)."

(e) The provisions of this section do not apply to government transfers relating to other than carrier operations.

(f) The provisions of this section do not apply to government transfers in exchange for debt and/or equity securities of recipients.

(g) Government transfers shall generally be recorded when made available to the carrier. However, transfer relating to specific operations shall be recorded as earned.

(h) Government transfers in the form of assets other than cash shall be recorded at fair value when received.

* * * * *

PART 1241—ANNUAL, SPECIAL AND PERIODIC REPORTS

PART 1249—REPORTS OF MOTOR CARRIERS

Railroad Forms R-1, R-2 and MP-1 are amended as follows:

Schedule Addition to Annual Report Forms R-1, R-2, and MP-1

SCHEDULE _____
TRANSFERS FROM GOVERNMENT AUTHORITIES

Name and Description of Government Transfers Received During Year	Amount	Applied to Current Operations	Deferred to Future Periods	Applied to Contributed Capital
Total Received During Year				
Cumulative Total of Government Transfers - Beginning of Year				
Cumulative Total of Government Transfers - End of Year				

[FR Doc. 78-19660 Filed 7-14-78; 8:45 am]

[7035-01]

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

PART 1310—FREIGHT RATE TARIFFS AND CLASSIFICATIONS OF MOTOR COMMON CARRIERS

[Ex Parte No. MC-88]

Detention of Motor Vehicles—Nationwide

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The rules prescribed in this proceeding govern the detention of motor vehicles with and without power units and drivers. Prearranged scheduling and uniform nationwide charges are provided. The rules were found to be necessary to more economical and efficient transportation by motor carriage and to the elimination of the current confusion, ambiguity, and unlawful practices in the detention area. All motor common carriers to the extent their shipments are not specifically exempted are required to publish the rules without change except where clearly warranted by exceptional circumstances.

EFFECTIVE DATE: August 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak 202-275-7693, or Harvey Gobetz 202-275-7656.

SUPPLEMENTARY INFORMATION: On June 19, 1978, the effective date of the Commission's regulations in this proceeding published at 49 CFR 1307.35(e) and set forth in the decisions of May 25, 1976 (124 MCC 680), June 3, 1977 (126 MCC 803), and September 15, 1977 was stayed. The temporary stay was issued to establish an orderly compliance date following the denial on June 5, 1978, by the United States Supreme Court of a writ of certiorari in this proceeding. The Court's action left standing the favorable decision of the Third Circuit Court of Appeals in *Ford Motor Company* v. *United States* 569 F. 2d 196 (3d Cir. 1978).

In a decision of the Commission served July 6, 1978, it was found that immediate compliance with the regulations would be in the best interest of motor common carriers, owner-operators, and the shipping public. Consequently, carriers were ordered to make the rule effective 45 days from the service date of the decision on not less than 15-days' notice to the Commission and the public.

All detention rules, including the rules prescribed by the Commission in docket No. 33434, not in conformity with the regulations published at 49 CFR 1307.35(e) and/or 1310.15(l) were declared null and void and ordered stricken from the Commission's files 45 days after the service date of the decision unless such detention rules specifically apply to those shipments exempted from the scope of the prescribed regulations.

The decision did not affect the stay of the regulations, imposed by order served August 31, 1977, with respect to shipments of uncrated, uncartoned new furniture, fixtures, and appliances requiring inside strapping, wrapping, bracing, and other loading devices similar to those of the household goods moving industry. Ex Parte No. MC-88 (Sub-No. 2), Detention of Motor Vehicles-shipments of Uncrated New Furniture, Fixtures, and Appliances.

In addition, because of the pendency of Ex Parte No. MC-88 (Sub-No. 1), Detention of Motor Vehicles—Alaska, a stay of effectiveness of the regulations was granted with respect to detention occurring at origins and destinations within the State of Alaska. This stay is to last until further order of the Commission.

It may be anticipated that the rules will be modified from time to time. This is consistent with the Commission's express intention to keep the rules flexible in recognition of the substantial impact they will have on motor common carrier transportation. For this reason the proceeding remains open-ended. An analysis of the various sections of the rule may be found in *Detention of Motor Vehicles-Nationwide*, 124 MCC 680, 725-742 (1976), and to a lesser extent in 126 MCC 803 (1977) and the Commission's decision served on September 15, 1977, 42 FR 51589 (September 29, 1977).

Accordingly, effective July 6, 1978, 49 CFR 1307.35(e) and 1310.15(f) were amended to read as follows:

NANCY L. WILSON,
Acting Secretary.

Paragraph (e) of § 1307.35 is revised, and paragraph (f) of § 1310.15 is added. These two paragraphs read exactly the same.

§ 1307.35 Terminal and special services.

§ 1310.15 Terminal and other services—changes and allowances (rule 15).

* * * * *

(e) or (f) *Detention of vehicles.* The following rules apply to all shipments except shipments of household goods; commodities transported in bulk in tank trucks, dump trucks, vehicles pneumatically unloaded and other self-unloading mechanized vehicles; heavy and specialized commodities or articles requiring special equipment or handling outside the scope of the certificates of general commodities motor common carriers; livestock other than ordinary; articles picked up or delivered to railroad care in railroad owned or leased equipment having prior or subsequent transportation by rail; and shipments to consignors and consignees of waterborne commerce at marine terminal facilities to the extent that the marine terminal operator would be liable to the motor common carrier for truck detention under any applicable detention rule promulgated pursuant to the authority of the Federal Maritime Commission. All common carriers of property by motor vehicle subject to Interstate Commerce Act excepting those specifically excluded, supra, shall publish the below rule entitled "Detention-Vehicles With Power Units" and all such carriers engaging in the practice of spotting shall also publish the below rule entitled "Detention-Vehicles Without Power Units." The wording of the following rules may not be varied except where clearly warranted by exceptional circumstances, and where appropriate, the word "rule" may be substituted for the word "item."

(1) *Detention-vehicles with power units.* This item applies when carrier's vehicles with power units are delayed or detained on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit, subject to the following provisions:

SEC. 1. *General provisions.* (a) This item applies only to vehicles which have been ordered or used to transport shipments subject to truckload rates. For the purposes of this item, the term truckload rates shall be considered to include shipments moving on a rate subject to a stated minimum weight of 10,000 pounds or more when not designated as a truckload rate, and, where applicable, shipments which are assessed charges based on the provisions of a Capacity Load Rule or are accorded Exclusive Use of Vehicle Service or Expedited Service.

(b) This item applies only when vehicles are delayed or detained at the premises of pickup or delivery and only when such delay or detention is not attributable to the carrier.

(c) Free time for each vehicle will be as provided in section 4. After the expiration of free time, charges will be assessed as provided in section 5.

(d) The detention charges due the carrier will be assessed against the consignor in the case of loading and against the consignee in the case of unloading, irrespective of whether line-haul charges are prepaid or collect. When detention charges are attributable to others who are not parties to the Bill of Lading, the party responsible for the payment of the freight charges will be responsible for any accrued detention. (See Note A).

(e) When carrier's employee assists in loading, unloading, or checking the freight, this item will apply whether or not the power unit is actually detained.

(f) Nothing in this item shall require a carrier to pick up or deliver freight at hours other than carrier's normal business hours. This shall not be construed to restrict a car-

rier's ability to accept pickup and delivery schedules at hours other than its normal business hours.

SEC. 2. *Definitions.* The following general definitions will apply when the below terms are used in this item:

(a) "Vehicle" means straight trucks or tractor-trailer combinations used for the transportation of property.

(b) "Loading" includes furnishing carrier with the Bill of Lading, forwarding directions, or other documents necessary for forwarding the shipment.

(c) "Unloading" includes: (1) Surrender of the Bill of Lading to the carrier on shipments billed "To Order"; (2) Payment of lawful charges to the carrier when required prior to delivery of the shipment; (3) Notification to the carrier that vehicle is unloaded; and (4) Signing of the delivery receipt.

(d) "Premises" means the entire property at or near the physical facilities of consignor, consignee, or other designated party.

(e) "Site" means a specific location at or on the premises of consignor, consignee, or other designated party.

(f) "Normal non-working periods" means meal, coffee, and rest breaks.

(g) "Pallet" means pallets, platforms, shipping racks, or skids with or without standing sides or ends, but without tops.

SEC. 3. *Computation of Time—*

(a) *Commencement and termination.* (1) The time per vehicle shall begin to run upon actual notification by carrier's employee to a responsible representative of consignor, consignee, or other designated party at the premises of pickup or delivery of the arrival of the vehicle for loading or unloading. Upon such notification, the responsible representative of consignor, consignee, or other designated party may enter the time of arrival onto the carrier's detention record. If the representative refuses to enter the time, then carrier's employee will enter the time and it will be binding upon each party.

(2) Time shall end upon completion of loading or unloading except as provided for in paragraph (c) of this section. Upon such completion, a responsible representative of consignor, consignee, or other designated party may enter the time of completion onto the carrier's detention record. If the representative refuses to enter the time, then carrier's employee will enter the time and it will be binding.

(b) *Prearranged scheduling.* (1) Subject to the provisions of item,[1] and upon reasonable request of consignor, consignee, or others designated by them, carrier will without additional charge enter into a prearranged schedule for arrival of the vehicle for loading or unloading.

(2) When the carrier enters into a prearranged schedule with consignor, consignee, or others designated by them for the arrival of the vehicle for loading or unloading and carrier is unable for any reason to maintain such schedule, then carrier and consignor, consignee, or other party designated by them have the option to agree to a mutually convenient and prompt alternative arrival time or in the event such agreement cannot be reached, to compute detention time against consignor, consignee, or other party designated by them from carrier's actual arrival time subject to an extension of 15 minutes for each 15 minutes or fraction thereof, the vehicle is delayed beyond the originally scheduled arrival time; in no case shall such extended free time exceed 60 minutes.

(3) If carrier's vehicle arrives prior to scheduled time, time shall begin to run from the scheduled time or actual time loading or unloading commences, whichever is earlier.

(c) *Conditions governing the computation of time.* (1) Computations of time are subject to and are to be made within the normal business hours at the designated place of pickup or delivery. If carrier is permitted to work beyond this period, such working time shall also be included.

(2) When loading or unloading is not completed at the end of normal business hours at the designated place, consignor, consignee, or other party designated by them shall have the option: (i) to request that the vehicle without power remain at its premises subject to the provisions of section 4(d); or (ii) to request that the vehicle with power be returned to carrier without being subject to charges for storage or redelivery so long as free time has not yet expired. When the vehicle is returned for completion of loading or unloading the computation of any remaining free time will resume. If free time has expired and detention has begun to accrue, storage or redelivery charges as may otherwise be provided will be assessed.

(3) When carrier's employee interrupts loading or unloading by the taking of any normal nonworking periods, any such time will be excluded from the computation of free time, or will be excluded from the computation of time in excess of free time.

SEC. 4. *Free time.* (a) Free time shall be computed as follows:

Actual weight in pounds per vehicle stop (see note b)	Free time in minutes per vehicle stop
Less than 10,000	120
10,000 but less than 20,000	180
20,000 but less than 28,000	240
28,000 but less than 36,000	300
36,000 but less than 44,000	360
44,000 or more	420

(b) When at least 90 percent of the shipment weight (exclusive of pallet weight) is loaded on pallets, or when the shipment is loaded on flatbed or other open top equipment, free time shall be one-half that amount normally applicable for the weight, not to exceed 120 minutes, except that, when open-top equipment is used in lieu of closed equipment to transport shipments of unpalletized general commodities, free time will be as provided in section 4(a).

(c) When more than one truckload shipment or a truckload shipment and one or more less-than-truckload or any quantity shipments are loaded on one vehicle at the premises of consignor or when more than one truckload shipment or a truckload shipment and one or more LTL or AQ shipments are unloaded from one vehicle at the premises of consignee or other designated party, the combined weight will be used to determine free time; in all other instances the individual shipment weight will be used.

(d) When a vehicle with power is changed to a vehicle without power at the request of consignor, consignee, or other party designated by them, the free time and detention charges will be applied as follows:

(1) If the change is requested and made before the expiration of free time for a vehicle with power, free time will cease immediately at the time the request is made, and detention charges for vehicles without power will immediately commence with no further free time allowed.

(2) If the change is requested and made after the expiration of free time for a vehicle with power, free time and detention charges will be computed on the basis of a vehicle with power up to the time the change was requested. In addition thereto, the vehicle will immediately be charged detention for vehicles without power with no further free time allowed.

(e) When a vehicle is both unloaded and reloaded, each transaction will be treated independently of the other, except that when loading is begun before unloading is completed, free time for loading shall not begin until free time for unloading has elapsed.

(f) Loading or unloading at more than one site at or on the premises of consignor, consignee, or other designated party shall constitute one vehicle stop.

SEC. 5. *Charges.* When the delay per vehicle beyond free time is 1 hour or less the charge will be $18. For each additional 30 minutes or fraction thereof, the charge will be $9.

SEC. 6. *Records.* A written record of the following information must be maintained by the carrier on all truckload shipments, and such record must be kept available at all times:

(a) Name and address of consignor, consignee, or other party at whose premises freight is loaded or unloaded; (b) Identification of vehicle tendered for loading or unloading; (c) Date and time of notification of arrival of the vehicle for loading or unloading; (d) Date and time loading or unloading is begun; (e) Date and time loading or unloading is completed; (f) Date and time vehicle is released by consignor, consignee, or other party at place of pickup or delivery after loading or unloading is completed; (g) Actual time of nonworking periods; (h) Total actual weight of shipment or shipments loaded or unloaded; (i) Whether vehicles are tendered under a prearranged schedule for loading or unloading; (j) Date and time specified for vehicles tendered under a prearranged schedule; (k) Alternative arrangement made when a vehicle is tendered under a prearranged schedule that was not adhered to.

NOTE A.—At those marine terminal facilities where Federal Maritime Commission detention charges apply, carrier charges pursuant to this rule will be assessed on the party responsible for the payment of the freight charges to the extent such charges exceed those of the Federal Maritime Commission.

NOTE B.—Also applies to the last vehicle used in transporting overflow truckload shipments, or to vehicles containing truckload shipments stopped for completion of loading or partial unloading.

(2) *Detention-vehicles without power units spotting or dropping of trailers.*

NOTE: This item applies when carrier's vehicles without power units are delayed or detained on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit, subject to the following provisions:

SECTION 1. *General provisions.* (a) Subject to the availability of equipment, carrier will spot empty or loaded trailers for loading or unloading on the premises of consignor, consignee, or on other premises designated by them, or as close thereto as conditions will permit.

(b) Loading or unloading will be performed by consignor, consignee, or other

[1] Here the carrier is to identify its pertinent rule.

party designated by them. When carrier's employee assists in loading, unloading, or checking the freight, the detention provisions governing vehicles with power units will apply. In the case of spotting for loading the Bill of Lading must show "Shipper Load and Count."

(c) Carrier responsibility for safeguarding shipments loaded into trailers spotted under the provisions of this item shall begin when loading has been completed and possession thereof is taken by the carrier.

(d) Carrier responsibility for safeguarding shipments unloaded from trailers spotted under the provisions of this item shall cease when the trailer is spotted at or on the site designated by consignee.

(e) Free time for each vehicle will be as provided in section 3. After the expiration of free time charges will be assessed as provided in section 4.

(f) The detention charges due the carrier will be assessed against the consignor in the case of spotting for loading and against the consignee in the case of spotting for unloading irrespective of whether charges are prepaid or collect.

(g) Nothing in this item shall require a carrier to pick up or deliver spotted trailers at hours other than carrier's normal business hours. This shall not be construed as a restriction on carrier's ability to pick up or deliver spotted trailers at hours other than its normal business hours.

SEC. 2. *Definitions.* The following general definitions will apply when the below terms are used in this item:

(a) "Vehicle" means tractor-trailer combinations used for the transportation of property, where: (1) "Trailer" means mobile units used to transport property; and (2) "Tractor" means a mechanically powered unit used to propel or draw a trailer or trailers upon the highways.

(b) "Loading" includes: (1) Furnishing of the Bill of Lading, forwarding directions, or other documents necessary for forwarding the shipment to the carrier; and (2) notification to the carrier that the vehicle is loaded and ready for forwarding.

(c) "Unloading" includes: (1) Surrender of the Bill of Lading to the carrier on shipments billed "To Order"; (2) Payment of lawful charges to the carrier when required prior to delivery of the shipment; (3) Notification to the carrier that vehicle is unloaded and ready for forwarding; and (4) Signing of delivery receipts.

(d) "Premises" means the entire property at or near the physical facilities of consignor, consignee, or other designated party.

(e) "Site" means a specific location at or on the premises of consignor, consignee, or other designated party.

(f) "Spotting" means the placing of a trailer at a specific site designated by consignor, consignee, or other party designated by them, detaching the trailer, and leaving the trailer in full possession of consignor, consignee, or other designated party unattended by carrier's employee and unaccompanied by power unit. Carrier will not move the trailer until such time as it has received notification, pursuant to section 3, that the trailer is ready for pickup at any site on premises. Consignor, consignee, or other designated party may shift the spotted trailer with its own power units at its own expense and risk for the purpose of loading or unloading. Empty trailers placed at the premises of consignor without specific request are not spotted until the carrier recieves a consignor's request and places a trailer for spotting. Movement of the trailer from the consignor's premises to the specific site for spotting shall be the obligation of the carrier, and free time shall accrue as provided in section 3.

SEC. 3. *Computation of free time*—(a) *Commencement of spotting and free time.* (1) Spotted trailers will be allowed 24 consecutive hours of free time for loading or unloading. For trailers spotted for unloading, such time shall commence at the time of placement of the trailer at the site designated by consignee, or other party designated by consignee. For trailers spotted for loading, such time shall commence when the trailer is spotted at the site specifically designated by the consignor or a party designated by consignor.

(2) When any portion of the 24 hour free time extends into a Saturday, Sunday, or holiday (national, state, or municipal), the computation of time for such portion shall resume at 12:01 a.m. on the next day which is neither a Saturday, Sunday, or holiday.

(3) Free time shall not begin on a Saturday, Sunday, or holiday (national, state, or municipal), but at 8 a.m. on the next day which is neither a Saturday, Sunday, or holiday.

(4) When a trailer is both unloaded and reloaded, each transaction will be treated independently of the other, except that when unloading is completed, free time for loading shall not begin until free time for unloading has elapsed.

(b) *Termination of spotting and notification.* (1) Consignor, consignee, or other party designated by them shall notify carrier when loading or unloading has been completed and the trailer is available for pickup. The trailer will be deemed to be spotted and detention charges will accrue until such time as the carrier receives notification. Notification by telephone if convenient and practical, otherwise by telegraph or mail shall be given by consignor, consignee, or other party designated by them at their own expense, to carrier or other party designated by carrier for the purpose of advising such carrier or other party that the spotted trailer has been loaded or unloaded and is ready for pickup. If notification is by telephone, carrier may require written confirmation.

(2) When a spotted trailer is changed to a vehicle with power at the request of consignor, consignee, or other party designated by them, the free time and detention charges will be applied as follows: (i) If the change is requested and made before the expiration of free time for a spotted trailer, free time will cease immediately at the time the request is made, and detention charges for vehicles with power will immediately commence with no further free time allowed; and (ii) If the change is requested and made after the expiration of free time for a spotted trailer, free time and detention charges will be computed on the basis of a spotted trailer up to the time the change was requested. In addition thereto, the vehicle will immediately be charged detention for a vehicle with power with no further free time allowed.

(c) *Prearranged scheduling.* (1) Subject to the provisions of item,[2] and upon reasonable request of consignor, consignee, or others designated by them, carrier will without additional charge enter into a prearranged schedule for the arrival of trailers for spotting.

(2) If carrier's vehicle arrives later than the scheduled time, time shall begin to run from actual time spotting commences.

(3) If carrier's vehicle arrives prior to scheduled time, time shall begin to run from the scheduled time or actual time spotting commences, whichever is earlier.

SEC. 4. *Charges.* (a) *General Detention Charges.* After the expiration of free time as provided in section 3(a) of this item, charges for detaining a trailer will be assessed as follows:

	Charge
1. For each of the first and second 24-hour periods or fraction thereof (Saturdays, Sundays, and holidays excepted)	$25
2. For each of the third and fourth 24-hour periods or fraction thereof (Saturdays, Sundays, and holidays excepted)	35
3. For the fifth and each succeeding 24-hour period or fraction thereof (Saturdays, Sundays, and holidays included)	50

(b) *Delay in trailer pickup charge.* No additional charge will be made for picking up trailers spotted under this item when such pickup can be performed within 30 minutes after arrival of driver and power unit at premises of consignor, consignee, or other party designated by them. When a delay of more than 30 minutes is encountered, detention charges for vehicles with power will commence from the time of arrival as specified in item.[3]

(c) *Strike interference charge.* When because of a strike of its employees, it is impossible for consignor, consignee, or other party designated by them to make available for movement by carrier any partially loaded, or empty trailers detained on their premises, a detention charge of $25 per day or fraction thereof, per trailer will be made following expiration of free time. Saturdays, Sundays, and holidays shall be included after the fourth day of charges.

SEC. 5. *Records.* A written record of the following information must be maintained by the carrier on all spotted trailers, and such record must be kept available at all times: (a) Name and address of consignor, consignee, or other party at whose premises the trailer is spotted; (b) Identification of spotted trailer; (c) Date and time of arrival of the trailer for spotting; (d) Date and time notification that the spotted trailer is ready for pickup was received by carrier; (e) Date and time of arrival and departure of power unit for pickup; (f) The duration of any strike induced delay on the premises of consignor, consignee, or other designated party which resulted in carrier's inability to obtain the release of any trailer, and any actions taken to hasten the release; (g) Whether trailers are spotted under a prearranged schedule; and (h) When trailers are spotted under a prearranged schedule, the date and time specified therefor.

NOTE.—For the purposes of this item the terms spotting and dropping are considered to be synonymous and are used interchangeably.

[FR Doc. 78-19661 Filed 7-14-78; 8:45 am]

[2] Here the carrier is to identify its pertinent rule.

[3] Here the carrier is to identify its pertinent rule.

[7035-01]

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. MC-77 (Sub-No. 2)]

PART 1310—FREIGHT RATES TARIFFS, SCHEDULES AND CLASSIFICATIONS OF MOTOR CARRIERS

Regulation Governing Restrictions on Service by Motor Common Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Amendment of final rule.

SUMMARY: On reconsideration the Commission amended the involved rule as follows:

(1) It exempted carriers from the notice and justification requirements when the proposed action cancels only column-commodity rates.

(2) It required that notice be sent to only the canceled carrier or carriers at the canceled interchange point.

(3) It permitted carriers and agents which publish looseleaf tariffs to include the appropriate page number on notice statements in lieu of the appropriate supplement number.

(4) It made the rule applicable to situations when more than one carrier must be given notice.

DATES: The effective date of the prescribed rule is August 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Martin E. Foley, Director, Bureau of Traffic, 202-275-7348. Janice M. Rosenak, Deputy Director, Section of Rates, 202-275-7693. Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION: Upon reconsideration, the regulations prescribed in the Decision of the Commission in Ex Parte No. MC-77 (Sub-2), 129 MCC 71 (1978), served April 20, 1978, have been modified by Decision of the Commission, served July 11, 1978.

Following suggestions of all petitioners, the Commission modified the rule to exempt carriers from the notice and justification requirements when the proposed action cancels only column-commodity rates or other commodity rates. It also modified the rule to clarify that notice must be sent only to the canceled carrier or carriers at the canceled interchange point. Petitioners believed the rule required that notice be sent to all possible connecting carriers throughout the motor carrier service network. This modification clarifies petitioners problem. The Commission also made the following minor changes to solve problems raised by petitioners: (1) Carriers and agents which publish looseleaf tariffs may include the appropriate page number on notice statements in lieu of the supplement number; (2) The rule was modified to make it applicable to situations where more than one carrier must be given notice. Specifically, the rule has been amended to read as follows:

§ 1310.8 Routing (Rule 8)

* * * * *

(d) *Cancellation of joint routes.* (1) Accompanying the tender to the Commission of any tariff which provides for the cancellation of joint routes, (except as provided in (3) below), either by canceling all arrangements in the tariff between certain carriers or by canceling an interchange point there shall be a clear statement of the justification relied upon to warrant the closing of the route.

(2) The statement of justification should be addressed to the Tariff Examining Branch and must affirm that the other carrier(s) at the cancelled interchange in the joint route has (have) been given notice by letter or telegram of the proposed cancellation. This notice shall contain the following information: (a) the name of the carrier canceling the joint route; (b) the supplement number or the original or revised page number of the tariff in which the proposed tariff change is published; (c) the reasons for the cancellation; and (d) a provision informing the connecting carrier(s) that it has (they have) the right to object to the cancellation by filing a written petition (or by telegram if time does not permit a written response) at least 12 days prior to the effective date of the proposal with the Interstate Commerce Commission, Washington, D.C. 20423, seeking suspension of the proposal and stating the reason supporting suspension, as provided in the Commission's Rules of Practice (49 CFR 1100.40).

(3) If the proposed joint route cancellation is to apply only to commodity rates (including column-commodity rates), and the joint route is to be kept open for the application of class rates based on classes or ratings in the governing classification or exceptions, then the letter of transmittal accompanying the publication shall contain a statement to that effect. In this case, neither the justification statement nor the affirmance of notification to the other carrier participating in the route is required.

(4) Any tariff subject to this rule which does not meet the specified requirements is subject to rejection.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp, Commissioner Murphy concurring in part, Vice Chairman Christian and Commissioner Stafford absent and not participating.

Dated July 10, 1978.

NANCY L. WILSON,
Acting Secretary.

COMMISSIONER MURPHY (CONCURRING IN PART)

I am in accord with the proposed modification of the regulations previously adopted except to the extent that a waiver would be granted to respondents which also maintain exceptions ratings. Where a respondent proposes to cancel a joint commodity rate which results in the reestablishment of rates based on exceptions ratings higher than the classification, respondent should be required to fully comply with the amended regulations. See, in that respect, my separate expression in Rules Governing Publication of Exceptions Ratings, 351 I.C.C. 716, 731-733.

[FR Doc. 78-19659 Filed 7-14-78; 8:45 am]

proposed rules

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.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

[Docket No. AO-198-A-10]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Recommended Decision and Opportunity to File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

AGENCY: Agrucultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This recommended decision would amend the Federal marketing agreement and order covering California raisins. It provides interested persons an opportunity to file written exceptions on the recommendations made herein. The recommendations pertain to: (1) Clarifying the intent and language of the volume regulation provisions used to tailor supplies to needs; and (2) changing the number of raisin varietal types. Raisins are separated in varietal types to apply quality and volume regulations. This recognizes that raisins with differing characteristics and market uses may need different regulatory treatment. The proposals on these two issues were submitted by the Raisin Administrative Committee, which handles the local duties of administering of the program, and three raisin dehydrators.

DATE: Written exceptions to this recommended decisions may be filed with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. by August 4, 1978,

ADDRESS: Send two copies of exceptions to the Hearing Clerk, room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, where they will be available for inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION, CONTACT:

Charles R. Brader 202-447-6393.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued March 30, 1978; published April 4, 1978 (43 FR 14024).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR part 989; 42 FR 37300), regulating the handling of raisins produced from grapes grown in California, and of the opportunity to file written exceptions thereto.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

This proposed amendment of the marketing agreement, as amended, and order, as amended, was formulated on the record of a public hearing held in Fresno, Calif., April 18, 1978, pursuant to notice thereof.

Material issues. The material issues of record are as follows: (1) Clarifying the intent and language of the volume regulation provisions. (2) Changing the number of varietal types of raisins used for applying quality and volume regulations. (3) Making such changes in the order as may be needed to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of hearing: (1) The objective of the raisin marketing agreement and order (hereinafter referred to collectively as the "order"), is to establish and maintain orderly marketing conditions consistent with the requirements of section (2) of the statute for all California raisins. For this purpose, the order has authorized volume regulations of raisins since its inception in 1949. On August 4, 1976, the order was amended to make volume regulation more flexible and responsive in meeting industry and individual handler market needs. Pursuant to § 989.54(a), the Committee makes known the free tonnage quantity of any varietal type of raisin to be regulated which will be available to handlers during the crop year. This free tonnage quantity is intended to satisfy the market needs of all the countries within the Western Hemisphere with an ample, but not burdensome, supply of free tonnage raisins. The Western Hemisphere is defined in § 989.221 (7 CFR 989.201-231) as the area east of the International Date Line and west of 30° W. longitude, but excluding Greenland.

A free tonnage quantity is made known only for the varietal type of raisin for which volume regulation may be recommended; i.e., production expected to be greater than the free tonnage quantity. The base for determining the free tonnage quantity is 90 percent of the "prior crop year's free tonnage shipments" for that varietal type, or, if the prior year's shipments are limited, the highest shipments of any one of the prior three years. This base figure is adjusted upward or downward depending upon the quantity of carryin inventory deemed desirable for that varietal type and the actual carryin inventory of that varietal type. The resultant figure is the free tonnage quantity.

In determining the free tonnage quantity pursuant to § 989.54(a), the term "prior crop year's free tonnage shipments" is used. This term includes shipments of all free tonnage regardless of market destination. However, the intent of the 1976 amendment was that only those shipments made into free tonnage outlets (Western Hemisphere) should be included in the base.

Section 989.65 of the order specifies that standard raisins acquired by a handler which are free tonnage may be disposed of by him in any marketing channel (i.e., inside or outside the Western Hemisphere). Thus, "free tonnage shipments" may include shipments of free tonnage into outlets normally supplied by reserve tonnage. In some years, especially when there is no volume regulation, significant quantities of free tonnage can be exported to outlets normally supplied by reserve tonnage raisins. If volume regulation is to be invoked in the succeeding crop year, this could result in a computed free tonnage quantity much greater than free outlet needs. An excessive supply could result in market weakness and price instability, and interfere with orderly marketing. Consequently, using "free tonnage shipments" as the base for determining the free tonnage quantity could be inconsistent with the intended purposes of volume regulation.

Further, § 989.65 defines a handler's "free tonnage" of a varietal type, among other things, as the free tonnage percentage of the standard raisins of that varietal type acquired by him. Thus, when reserve raisins re-

leased for use in free tonnage are shipped, they are shipments of reserve raisins into free tonnage outlets, not "free tonnage shipments". Consequently, such shipments are not specifically included in the free tonnage quantity base by the terms in § 989.54(a), although intended to be included by the 1976 amendment. To establish a complete marketing policy, the base for the computation of the free tonnage quantity should be all shipments into free tonnage outlets, including any reserve tonnage released for use as free tonnage, exclusive of any quantity shipped to countries eligible for the purchase of reserve tonnage raisins. Thus, paragraph (a) of § 989.54 should be amended by changing the words "free tonnage shipments" to "shipments into a free tonnage outlets". For the purposes of further clarification, it was proposed at the hearing that the following sentence be added after the words "physical carryin inventory". This sentence states: "For marketing policy purposes, free tonnage outlets shall be regarded as any markets not eligible for the purchase of reserve tonnage raisins". However, this a definition of the term "free tonnage outlets" and it should be included as a new § 989.24b in that portion of the order devoted to definitions for more convenient reference.

After establishment of free and reserve percentages for a crop year, reserve raisins are pooled by handlers and held for the account of the Committee. Pursuant to § 989.54(d), on or before November 15 of that crop year the Committee offers handlers a quantity of reserve tonnage for sale as free tonnage. In order to provide the Committee with flexibility in disposing of reserve raisins, it should be able to offer reserve from the prior or current crop year. Two offers are made, each consisting of a quantity equal to 10 percent of the prior year's "shipments of free tonnage". The first offer is made to equate the current year's supply with prior year's shipments. The second offer provides additional raisins to handlers for market expansion as needed during the crop year. The two 10 percent offers of reserve tonnage for free use are intended to satisfy as closely as possible the needs of the individual handlers by making additional tonnage for free use available to those handlers desiring it.[1G1]

The basis for determining the amount of the two 10 percent reserve offers for free use should be the same as that for computing the free tonnage quantity. Thus, the second sentence of § 989.54(d) should be amended by changing the words "shipments of free tonnage" to "shipments into free tonnage outlets". For similar reasons, the fourth sentence of § 989.54(d) should be amended by changing the words "shipments of free tonnage" to "shipments into free tonnage outlets".

The second sentence of § 989.54(d) explains that the purpose of the first 10 percent reserve offer for free use is to equate the current year's supply with the prior year's shipments. Actually, the offer equates the current year's supply with the prior year's shipments into free tonnage outlets plus the desirable carryin inventory. So that the stated purpose of the offer is correct and for clarity, the words "into free tonnage outlets plus desirable carryin inventory" should be added following the word "shipments" at the end of the second sentence. With all of the changes made, the second sentence in § 989.54(d) should read: "One offer shall consist of a quantity equal to 10 percent of the prior year's shipments into free tonnage outlets, to equate the current year's supply with the prior year's shipments into free tonnage outlets plus desirable carryin inventory".

The second offer of reserve tonnage for free use to handlers is allocated to handlers on the basis of their prior year's shipments of free tonnage. The purpose of this offer is for market expansion. In the notice of hearing the basis was proposed to be broadened by allocating the second offer to handlers on the basis of their prior year's shipments to all outlets of free tonnage plus any reserve tonnage released for use as free tonnage during the applicable crop year. Broadening the basis for determining each handler's share of the total quantity offered is intended to reward those who have been striving to increase shipments of free tonnage and reserve tonnage released for use as free tonnage. The evidence of record indicates the reserve tonnage released for use as free tonnage during the applicable crop year refers to tonnage released during the crop year preceding the one for which the two 10 percent offers are being considered. Thus, the fifth sentence of § 989.54(d) should be revised so that the second offer is allocated to handlers on the basis of their prior year's shipments to all outlets of free tonnage plus any reserve tonnage released for use as free tonnage and shipped during that crop year.

For clarification, conformity purposes, and to make the sentence more grammatically correct, the last sentence of § 989.54(a) should be revised to prescribe that in years following limited shipments into free tonnage outlets due to abnormal circumstances, the Committee may use shipments of any one of the three years preceding the limited year as a base to determine the free tonnage. The sentence currently prescribes that in years following limited free tonnage shipments, the Committee may use the highest shipments of any one of the prior three years as a base to determine the free tonnage. A clarification of the phrase "the Committee may use the highest shipments of any one of the prior three years" is necessary because of different interpretations in its application.

This phrase has been interpreted to mean either that: (1) If the prior year's shipments are not used, the Committee could use any one of the three years preceding the limited year; or, (2) the three years included the limited year. The evidence of record is that if conditions of "limited shipments into free tonnage outlets" apply, the Committee should then consider shipments into free tonnage outlets in the three years prior to the limited year. For example, if shipments into free tonnage outlets were limited during the 1976–77 crop year due to abnormal circumstances, the Committee could have chosen either the 1975–76, 1974–75, or 1973–74 crop years as the free tonnage base. While the Committee may choose the year with the highest shipments, it should not be restricted to that year because it may not be representative.

Volume regulation under the raisin order is based upon handler acquisitions. Handlers acquire raisins from producers in their natural condition and their respective reserve obligations are held in the form of natural condition raisins. The raisins are stored in this condition by the packers until they are processed and packed for market. In processing natural condition raisins for market, there is normally a weight loss, referred to as shrinkage. The amount of shrinkage varies from year to year depending upon the maturity and quality of raisins produced during the year and has a bearing on the quantity of raisins available to packers for shipment. Poor maturity and other quality defects may result from adverse growing conditions over which raisin producers and packers have little or no control. Since shipments into free tonnage outlets of a particular year are used as the base for volume regulation in a later year, the packed weight of these shipments must be converted to natural condition weight for volume regulation purposes. Thus, the computed free tonnage quantity for a crop year should be such that it will yield, after processing, 90 percent of the base year's shipments of packed raisins into free tonnage outlets, adjusted for carryin inventory. To assure at least this supply of free tonnage to handlers, the selection of conversion factors for

[1]The balance of the reserve raisins is disposed of by the Committee pursuant to § 989.67. This includes sales to handlers for export to outlets outside the Western Hemisphere or, under certain conditions, for free use.

converting the prior year's shipments to a natural condition weight should be left to the Committee to determine at the time the free tonnage quantity is computed.

The word "year-end" preceding the term "carryin inventory" in the second sentence of § 989.54(a) should be deleted because it conflicts with the words "carryin inventory." The year-end inventory of a crop year becomes next crop year's carryin inventory, not the year-end carryin inventory. The word "Thompson" in the third sentence of § 989.54(a) should be replaced with the words "(sun-dried)" as a conforming change to reflect changes made in the varietal type categories by the August 1, 1977, order amendment. A new varietal type, Natural (sun-dried) Seedless, was established and it includes all sun-dried seedless raisins with characteristics similar to natural Thompson Seedless raisins. Also, the words "made known" in the fourth sentence in § 989.54(a) should be replaced with the more specific word "publicized" to conform with § 989.54(f) pertaining to publicity.

In § 989.54(d), the seventh sentence should be amended by changing the words "allocation of" to "quantity purchased by". This minor change in wording makes the sentence clearer and it does not change its import. The last sentence in § 989.54(d) should be revised to remove unnecessary wording. It should state that the price of reserve tonnage raisins offered to handlers to sell as free tonnage under this section (§ 989.54) shall be the established field price for free tonnage raisins of the applicable varietal type, plus estimated costs to equity holders incurred by the Committee, plus three percent of such field price.

(2) When the raisin order was established in 1949, the industry recognized that raisins with different characteristics due to the particular variety of grapes or the method of drying the grapes into raisins, or both, could result in the need for different regulatory treatment. Thus, raisins were separated into varietal types for the purpose of applying the order's quality and volume regulations. Subsequently, other varietal types were added. After operating under an extensive list of varietal types for a number of years, the industry concluded that raisins with similar characteristics and market uses were included in different varietal types and that some varietal types had never been produced in commercial quantities. The order, therefore, was amended in 1977 to define seven varietal types. Each varietal type in § 989.10 of the order includes raisins with similar characteristics and market uses regardless of the grape variety, or method of drying, used in producing the raisins.

Two of the seven varietal types listed in § 989.10 are Natural (sun-dried) Seedless and Dipped Seedless. Natural (sun-dried) Seedless raisins are defined as sun-dried seedless raisins that possess characteristics of or similar to natural Thompson Seedless raisins and which have not been dipped in or sprayed with water, with or without soda, oil, or other chemicals prior to or during the drying process. Dipped Seedless raisins are defined as raisins produced by sun-drying or other dehydration of grapes which have been dipped in or sprayed with water, with or without soda, oil, or other chemicals before or after such grapes have been removed from the vine, and which may or may not have been sulfured prior to drying. This definition includes three types of raisins, currently referred to in the industry as water-dipped, soda-dipped, and oleate raisins.

Like natural (sun-dried) raisins, all three of these raisins are made primarily from the Thompson Seedless grape. Water-dipped raisins are made by dipping grapes into a hot water bath which weakens the skin. This allows the grapes to dry faster during the following artificial dehydration. Soda-dipped raisins are made by dipping grapes into a caustic solution to crack the skin before artificial dehydration. Oleate raisins are produced by spraying grapes with methyl or ethyl oleate which accelerate the rate of drying, and then drying the grapes in the sun. Oleate raisins may be dried on the vine, or dried on paper trays after the grapes have been removed from the vine.

The notice of hearing included a proposal to change the list of varietal types in § 989.10 so that water-dipped, soda-dipped, and oleate raisins would be classified as separate varietal types.

Proponents stated that these three types of raisins are different because: (1) Water-dipped and oleate raisins have discernible color differences; (2) oleate and soda-dipped raisins are chemically treated; (3) water-dipped raisins contain no chemical residues; (4) water-dipped raisins and soda-dipped raisins are washed before they are artificially dried, and thus tend to meet cleanliness and moisture standards more readily than oleate raisins; and (5) water-dipped raisins are not as sticky as oleate and soda-dipped raisins and thus do not tend to lump together when packaged.

The proponents also contended that the treatment of water-dipped, soda-dipped, and oleate raisins as a single varietal type creates inequities in volume regulation. Prior to the current crop year, oleate raisins were not produced in appreciable volume, and the quantity of water-dipped raisins (which were first produced in the 1972-73 crop year) ranged from about 1,000 tons in 1972 to about 9,600 tons in 1974. During the current 1977-78 crop year, about 7,600 tons of water-dipped and about 1,550 tons of oleate raisins were produced. Under the formula for computing the volume regulation for the 1977-78 crop year, the production of these two types was added to arrive at a total for all Dipped Seedless raisins. No adjustment was made in the prior year's shipments of free tonnage Dipped Seedless raisins, although this quantity was also used in the formula for computing the 1977-78 free and reserve percentages for Dipped Seedless raisins. The net effect of this was to increase the 1977-78 reserve of Dipped Seedless raisins, and consequently reduce the quantity which could be marketed by handlers of water-dipped raisins in free tonnage outlets.

The opponents to the establishment of the separate varietal types contended that water-dipped, soda-dipped, and oleate raisins are essentially the same as Natural (sun-dried) Seedless raisins; that they are sold to the same consumers in the same markets for the same uses; and consumers have difficulty differentiating between the three types in the Dipped Seedless category.

According to the opponents, while there are color distinctions between natural raisins all the three types on initial delivery, the three tend to darken during storage and processing and tend to resemble natural raisins after a time. Consequently, there is little if any, color distinction between the water-dipped and oleate raisins after processing. Oleate raisins have a unique taste and odor when delivered to a plant, but these characteristics tend to disappear after washing and processing. Also, after washing and processing there is no chemical residue of significance in the oleate and soda-dipped raisins when compared to naturally dried raisins.

Opponents further indicated that natural (sun-dried) and water-dipped raisins compete with each other in the marketplace on price, delivery, and service. In addition, oleate raisins have been packed with water-dipped raisins on a fifty-fifty basis and marketed in consumer and industrial packs accepted by the trade.

It is apparent from the testimony that there are similarities and differences in characteristics among natural, oleate, water-dipped, and soda-dipped raisins. These similarities and differences would allow a number of combinations in dividing these into varietal types. For example, all four are produced from seedless grapes, and on the basis of this could be included in the same varietal type. However, the determination of producers and handlers of sun-dried seedless raisins to preserve the identity of these raisins in the market makes this an impractical alternative. For the same reason, it

would be impractical to combine all four into the same varietal type on the ground that all are sold to the same consumers in the same markets for the same uses.

A substantial portion of the record is devoted to a presentation by both sides that separation of these three types of raisins is warranted or unwarranted by their difference or lack of it in appearance. However, the record establishes that differences in appearance of these raisins—primarily color—would be an impractical criterion.

Currently, oleate raisins, like natural raisins are sun-dried, whereas water-dipped and soda-dipped are produced by artificial dehydration. Because of the desire to maintain separate identity of natural raisins, these should not be included in the same varietal type with oleate raisins.

All this is a prelude to the main question whether the remaining three—oleate, water-dipped, and soda-dipped—should be separated into three varietal types, as proposed by proponents, or remain in the same varietal type as favored by some opponents. While there may be differences in characteristics between water-dipped and soda-dipped raisins, this should not be used as the determiner in concluding whether or not these raisins should be placed in separate varietal types. The process of producing water-dipped raisins is a direct outgrowth of the soda-dipping process. The obvious difference between the two is that caustic soda is used in the production of soda-dipped raisins.

Based on evidence of record, the separation on the basis of whether caustic soda was or was not present in the dipping tank would be difficult. A dehydrator could add a small quantity of soda to the water and contend that the resulting raisins are soda-dipped, not water-dipped raisins. This could create administrative problems in applying volume regulations, especially if volume regulations were more restrictive for one.

Finally, few, if any, soda-dipped raisins have been produced in recent years. In view of this and for the reasons previously stated, splitting water-dipped and soda-dipped raisins into separate varietal types would be impractical and would serve no useful purpose, and this portion of the proposal is denied.

However, that portion of the proposal pertaining to the classification of oleate raisins as a separate varietal type presents a different problem. It is clear from the evidence that the formula prescribed in § 989.54 for the computation of volume regulation for a varietal type can place an inequitable burden on producers of water-dipped raisins. The burden of the volume regulation must be applied equitably among all segments of the industry. The inclusion of water-dipped and oleate raisins in the same varietal type could cause inequities in the application of such regulations.

The dipped segment of the raisin industry is relatively small and is reasonably able to tailor supplies to market needs through artificial dehydration of grapes. The evidence of record indicates that there are currently 27 dehydrators in the industry and each of these has the capability of making water-dipped or soda-dipped raisins. Once the Raisin Administrative Committee computes the free tonnage quantity in accordance with § 989.54, production of water-dipped and soda-dipped raisins is likely to be reasonably in line with free tonnage and desirable carryin needs, plus the 10 percent growth factor.

The oleate method of drying raisins was developed for the natural sun-dried producer. There are some 4,800 such producers, each of whom could produce oleate raisins. This figure can fluctuate from year to year depending upon the prospective price of raisin variety grapes for fresh table use and more importantly, the prospective producer price for raisins versus the price offered by wineries for raisin variety grapes. The large number of producers who can make sun-dried raisins and the versatility of the Thompson Seedless grape make it virtually impossible to tailor production of these raisins to free tonnage needs.

Currently, if a producer sprays his raisins with oleates to accelerate the rate of drying, they would be classified as Dipped Seedless raisins. If oleate production is minimal, there would be little or no effect on the percentages for Dipped Seedless raisins. On the other hand, a substantial production of oleate raisins in any one year would materially reduce the water-dipped segment's portion of the free tonnage for that year. For example, during the current 1977-78 crop year about 1,550 tons of oleate raisins, and about 7,600 tons of water-dipped, were produced. The 1977-78 reserve percentage for Dipped Seedless raisins is 38 percent. Without this production, the reserve percentage would have been about 25 percent.

Oleate raisins are still in the experimental stage, and additional production and marketing problems need to be resolved. While relatively small quantities of oleate raisins have been marketed domestically and in foreign markets, it would appear that only tentative conclusions can be made about their acceptance in these markets.

In view of the foregoing, oleate raisins should be made a separate varietal type. To accomplish this, § 989.10 should be revised to include a new category, Oleate Seedless raisins.

The evidence of record indicates that the category Oleate Seedless could include seedless raisins produced from grapes which have been dipped in, or sprayed with, ethyl oleate, methyl oleate, or other chemicals, other than soda or oil, to promote drying after such grapes have been removed from the vine or while such grapes are on the vine and which are sun-dried. While oleate raisins currently are sun-dried, the evidence of record indicates that grapes could be treated with oleate and artificially dehydrated. Thus, oleate raisins could also include those raisins. The evidence of record also indicates that the category Dipped Seedless could include seedless raisins produced by sun-drying or other dehydration of grapes which have been dipped in or sprayed with water, with or without soda, or oil, and which may or may not have been sulfured prior to drying, but not golden seedless raisins.

While the addition of oleate seedless raisins to the list of varietal types will serve to reflect current industry practices, it is recognized that further changes may occur which would warrant additional changes in varietal types or their definitions. Therefore, authority should be maintained in the order for the Committee, with the approval of the Secretary, to make such changes in varietal types or their definitions as may be appropriate.

(3) Some of the amendatory actions included in this recommended decision require conforming changes elsewhere in the order, as amended. Such changes have been discussed with the issues to which they are pertinent. All such changes should be incorporated in the recommended amendment of the order.

Rulings on briefs of interested persons. At the end of the hearing, the Administrative Law Judge fixed May 19, 1978, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing.

One brief was filed on behalf of interested persons. This brief and the evidence in the record were considered in making the findings and conclusions set forth above. In the brief, an objection was made to the Administrative Law Judge's refusal to formally receive into evidence prior inconsistent statements made by one of the opponent witnesses at a Raisin Administrative Committee meeting in 1975. We agree with the ruling; nor would the reception into evidence of such statements have varied the conclusions herein. To the extent that the suggested findings and conclusions filed by interested persons are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except the findings as to the base period for parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of raisins produced from grapes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of raisins produced from grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(6) All handling of raisins produced from grapes grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. A new § 989.24b is added to read as follows:

§ 989.24b Free tonnage outlets.

For marketing policy purposes, free tonnage outlets shall be regarded as any markets not eligible for the purchase of reserve tonnage raisins.

2. Section 989.54 (a) and (d) are revised to read as follows:

§ 989.54 Marketing policy.

(a) *Free tonnage.* On or before August 15 of each crop year, the Committee shall review shipment data, inventory data, and other matters relating to the quantity of raisins of all varietal types. For any varietal type for which a free tonnage percentage may be recommended, the quantity of free tonnage shall be 90 percent of the prior crop year's shipments into free tonnage outlets for that varietal type, adjusted by the physical carryin inventory. The desirable carryin inventory on August 1 for Natural (sun-dried) Seedless raisins shall be a minimum of 35,000 tons. This free tonnage quantity shall be publicized by the Committee in accordance with paragraph (f) of this section. In years following limited shipments into free tonnage outlets due to abnormal circumstances, the Committee may use shipments of any one of the 3 years preceding the limited year as a base to determine the free tonnage.

* * * * *

(d) *Reserve tonnage to sell as free tonnage.* On or before November 15 of the crop year, the Committee shall offer to handlers a quantity of the prior or current crop year's reserve tonnage raisins. One offer shall consist of a quantity equal to 10 percent of the prior year's shipments into free tonnage outlets to equate the current year's supply with the prior year's shipments into free tonnage outlets plus the desirable carryin inventory. This offer shall be allocated to handlers on the basis of their prior year's acquisitions. At the same time, a second offer shall consist of a quantity equal to 10 percent of the prior year's shipments into free tonnage outlets for market expansion. The offer shall be allocated to handlers on the basis of their prior year's shipments, to all outlets, of free tonnage plus any reserve tonnage released for use as free tonnage and shipped during that crop year. Each offer shall be open to handlers not more than 5 business days and, subsequently, two reoffers of any tonnage unsold in the original offers, open not more than 2 business days each, may be made. The reoffer tonnage shall be allocated to handlers who purchase 100 percent of their allocation in preceding offers and shall be on the basis of the quantity each handler purchased as a percentage of the total quantity purchased by all handlers eligible to participate. At the close of the second reoffer any remaining tonnage may be offered to handlers purchasing all of their previous allocations on a first come, first served basis and such offer shall be open to handlers for 2 business days. Any handler who had no shipments or acquisitions of raisins during the prior crop year will be allocated raisins under these offers on the basis of his acquisitions (up to the time the offer is made) of raisins in the current crop year. If field prices are not established on or before November 15, the offers shall be made not more than 15 days following such establishment. The price of reserve tonnage raisins offered to handlers to sell as free tonnage under this section shall be the established field price for free tonnage raisins of the applicable varietal type, plus estimated costs to equity holders incurred by the Committee, plus 3 percent of the established field price for free tonnage.

* * * * *

3. Section 989.10 is revised to read as follows:

§ 989.10 Varietal types.

"Varietal types" means raisins generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate indentification and classification. Varietal types are the following: Natural (sun-dried) Seedless, Dipped Seedless, Golden Seedless, Muscats (including other raisins with seeds), Sultana, Zante Currant, Monukka, and Oleate Seedless: *Provided,* That the Committee may, subject to approval of the Secretary, change this list of varietal types or the definitions thereof.

Signed at Washington, D.C. on July 12, 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 78-19581 Filed 7-14-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-CE-16]

CONTROL ZONE AND TRANSITION AREA, TOPEKA, KANS.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to alter the control zone and the 700-foot transition area at Topeka, Kans., by changing the name from Forbes Air Force Base to Forbes Field Airport and to provide additional controlled airspace for aircraft executing a new

instrument approach procedure to the Forbes Field Airport, Topeka, Kans., utilizing an existing non-directional radio beacon (NDB) navigational aid.

DATES: Comments must be received on or before September 20, 1978.

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

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

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

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, Telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 20, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

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

THE PROPOSAL

The FAA is considering amendments to Subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) and Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the control zone and 700-foot transition area at Topeka, Kans. The city of Topeka, Kans., has assumed operation and control of Forbes Air Force Base and has changed the name of the airport to Forbes Field Airport. To enhance airport usage by providing additional instrument approach capability to the Forbes Field Airport, the city of Topeka, Kans., has requested a new instrument approach procedure utilizing the existing Richland NDB. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the control zone and transition area at Topeka, Kans., at and above 700-feet Above Ground Level (AGL) within which aircraft are provided additional air traffic control service. The intended of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under visual Flight Rules (VFR). Accordingly, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) as republished on January 3, 1978 (43 FR 355), by altering the following control zone:

FORBES FIELD

Within a 5-mile radius of Forbes Field Airport (latitude 38°57'06"N, longitude 95°39'45"W) within 2.5 miles each side of the Forbes Field LOM 317° bearing extending from the 5-mile radius zone to 6 miles northwest of the airport, and within 2 miles each side of the Forbes Field ILS localizer southeast course extending from the 5-mile radius zone to 1 mile southeast of the LOM, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Philip Billard Airport, Topeka, Kans. control zone. This control zone will be effective as established by a Notice to Airmen or published in the Airman's Information Manual.

Additionally, Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on Jan. 3, 1978, (43 FR 440), by altering the following transition area:

TOPEKA, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Philip Billard Airport, Topeka, Kans. (latitude 39°04'09"N, longitude 95°37'18"W) within 2 miles each side of the Topeka VORTAC 039° radial extending from the 7-mile radius area to 8 miles northeast of the VORTAC, within 5 miles southwest and 8 miles northeast of the Philip Billard Airport ILS localizer northwest course extending from 3 miles southeast to 12 miles northwest of the Billard LOM, within an 8.5-mile radius of Forbes Field Airport, Topeka, Kans. (latitude 38°57'06"N, longitude 95°39'45"W) within 4 miles each side of the Forbes Field LOM 317° bearing extending from the 8.5-mile radius area to 15 miles northwest of the airport, and within 3.5 miles each side of the Forbes Field ILS localizer southeast course extending from the 8.5 mile radius area to 8 miles southeast of the Forbes Field LOM.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107

Issued in Kansas City, Mo. July 3, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-19589 Filed 7-14-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-AL-2]

FAIRBANKS, ALASKA

Proposed Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The FAA proposes to alter the Fairbanks, Alaska, (Fairbanks International/Fort Wainwright AAF) control zone by redesignating the For Wainwright AAF portion of the control zone as a separate part-time control zone during those times that Fort Wainwright AAF official weather is available. The proposal is intended to increase the efficiency of airspace use. The existing 700-foot and 1,200-foot transition areas will not be changed.

DATES: Comments must be received on or before August 18, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attn: Chief, Air Traffic Division, Docket No. 78-AL-2, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

The official docket may be examined at the following location: Office of the Regional Counsel, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

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

FOR FURTHER INFORMATION CONTACT:

John J. Scullion, Operations, Proce-

dures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501, telephone 907-265-4282.

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, Alaskan Region, attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before August 18, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public regulatory docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska, or by calling 907-265-4282. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2, which describes application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that will redesignate the existing Fairbanks, Alaska (Fairbanks International/Fort Wainwright AAF) control zone into a full-time control zone (Fort Wainwright AAF).[1] The FAA believes that this alteration will provide more efficient use of the Fort Wainwright AAF terminal airspace, now that official weather reports are available part-time from Fort Wainwright AAF. At the present time, the Fairbanks International weather report affects the Fort Wainwright AAF terminal aircraft operations. The FAA believes that this weather observation, taken at a distance of 7 to 8 miles from Fort Wainwright AAF is not always representative of the actual weather conditions at Fort Wainwright AAF. This action is intended to correct this situation.

DRAFTING INFORMATION

The principal authors of this document are John J. Scullion, Air Traffic Division, and Donald H. Boberick, Esq., Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (43 FR 355) to redesignate the present Fairbanks, Alaska (Fairbanks International/Fort Wainwright AAF) control zone as follows:

FAIRBANKS, ALASKA (FAIRBANKS INTERNATIONAL)

Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'09" N, longitude 147°51'14" W); within 2 miles each side of the Fairbanks localizer northeast course, extending from the Fairbanks 5-mile radius zone to the outer marker; within 2 miles each side of the Fairbanks localized southwest course, extending from the Fairbanks 5-mile radius zone to 5 miles southwest of the localizer antenna (latitude 64°48'11" N, longitude 147°53'01" W).

FAIRBANKS, ALASKA (FORT WAINWRIGHT AAF)

Within a 5-mile radius of the Fort Wainwright AAF (latitude 64°50'13" N, longitude 147°36'52" W); and within 2 miles each side of the Chena, Alaska, RBN 089° bearing, extending from the Fort Wainwright 5-mile radius zone to 5 miles east of the RBN; excluding the portion within the Fairbanks, Alaska (Fairbanks International) control zone. This control zone if effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Anchorage, Alaska, on July 7, 1978.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc. 78-19590 Filed 7-14-78; 8:45 am]

[1] Map filed as part of the original document.

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-RM-19]

TRANSITION AREA

Proposed Establishment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This Notice (NPRM) proposes to establish a 1,200 foot transition area at Bozeman, Mont. to provide controlled airspace for holding aircraft and additional controlled airspace for air traffic control purposes.

DATE: Comments must be received on or before August 21, 1978.

ADDRESS: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

FOR FURTHER INFORMATION CONTACT:

Mr. David M. Laschinger, Airspace Specialist, Operations, Procedures and Airspace Branch (ARM-539), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010; telephone 303-837-3937.

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 be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration., The proposal contained in this notice may be changed in the light of comments received.

AVIABILITY 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 notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 1,200 foot transition area at Bozeman, Mont. This proposal is necessary to provide controlled airspace for holding aircraft and for air traffic control purposes. Accordingly, the Federal Aviation Administration proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending § 71.181 by designating the following transition areas:

BOZEMAN, MONT.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.) and within 5.5 miles northeast and 9.5 miles southwest of the Bozeman ILS northwest localizer course extending from the 11-mile radius area to 28 miles northwest of Gallatin Field, and that airspace extending upward from 1,200 feet above the surface bounded on the south by the northern edge of V86, on the west by the east edge of V21, on the north by the Helena, Montana 1,200 foot transition area on the east by a point 6 miles east of V2, excluding that area designated as the Butte, Montana 1,200 foot transition area.

DRAFTING INFORMATION

The principal authors of this document are Mr. David M. Laschinger, Air Traffic Division, and Mr. Daniel J. Peterson, Office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of Section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Aurora, Colo. on July 5, 1978.

ISAAC H. HOOVER,
Deputy Director,
Rocky Mountain Region.

[FR Doc. 78-19591 Filed 7-14-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Regulations No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Filing Date of an Application Based on an Oral Inquiry

Correction

In FR Doc. 78-17420 appearing at page 27853 in the issue for Tuesday, June 27, 1978; make the following corrections:

1. On page 27853, third column, under DATES, the comment date should read "August 11, 1978".

2. On page 27855, first column, last line of (d)(2) of § 416.336, "if" should read "is".

[1505-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

[24 CFR Part 390]

[Docket No. R-78-552]

GUARANTY OF MORTGAGE-BACKED SECURITIES

Proposed Amendment to Increase Net Worth Requirements in the Mortgage-Backed Securities Program; Correction

In FR Doc. 78-17452, appearing at page 27486 in the issue of Friday, June 23, 1978, in the middle column, paragraph (c)(3)(ii)(*B*) of § 390.3 should read "(*B*) 0.2 percent of securities outstanding in excess of $35 million.", instead of "(*B*) 0.2 percent of securities outstanding in excess of $3 million".

[4410-05]

DEPARTMENT OF JUSTICE

Bureau of Prisons

[28 CFR Parts 524, 540, 541, 544, 547, 550, 551, 552, and 571]

CONTROL, CUSTODY, CARE, TREATMENT, AND INSTRUCTION OF INMATES

Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rules.

SUMMARY: The Bureau is proposing its fourth installment of proposed regulations for the management of inmates in Federal correctional institutions. This proposal is part of the Bureau's overall program to publish in the FEDERAL REGISTER and subsequently in the Code of Federal Regulations, Bureau rules relating to the control, custody, care, treatment, and instruction of inmates presently contained in Policy Statements and Operations Memoranda. These Policy Statements and Operations Memoranda have been made available in each institution's inmate law library and to members of the general public upon request. This installment proposes rules for administrative procedures relating to the management of inmates in Federal correctional institutions as detailed below in the supplementary information section.

DATE: Comments must be received on or before September 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank C. Sizer, phone 202-724-3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), notice is hereby given that the Bureau of Prisons intends to publish in the FEDERAL REGISTER, as proposed rules, those regulations which generally govern the control, custody, care, treatment, and instruction of inmates in Federal correctional institutions administered by the Bureau of Prisons.

The regulations according to which the Bureau of Prisons manages inmates in Federal correctional institutions are presently contained in Policy Statements and operations Memoranda which have been made available to inmates in each institution's inmate law library and to members of the general public upon request. Most of these regulations have not been published in the Code of Federal Regulations.

While the Bureau of Prisons has frequently received and considered comments from the public relating to Bureau regulations, there has not been a systematic process whereby these comments are solicited and considered before regulations take effect. This publication process will afford interested persons additional notice of Bureau regulations and proposed regulations and will create a formal process for solicitation and consideration of comments. The Bureau of Prisons does not, however, intend to publish regulations which relate exclusively to the following:

(1) Employment or personal policies with respect to Bureau of Prisons employees; and (2) Internal management policies and nonsubstantive interpretations, such as administrative staff manuals, procurement and budget procedures, record keeping and reporting requirements, and instructions issued to implement those regulations which are published

Prior publication of proposed rules occurred on May 23, 1977 (42 FR 26334 et seq.), August 16, 1977 (42 FR 41368 et seq.), and December 21, 1977 (42 FR 64082 et seq.)

In this issue of the FEDERAL REGISTER, the Bureau of Prisons has published proposed regulations which relate most directly to the following: (1) Central inmate monitoring system; (2) Incoming publications; (3) Change of address and forwarding of mail for inmates; (4) Maximum Security Unit at Federal Correctional Institutions, Alderson, W.V.; (5) Post secondary education program for inmates; (6) Optional Programing (educational/vocational/industrial); (7) Use of pork and pork derivatives in the prepearation and seasoning of specific food items; (8) Kosher foods; (9) Urine surveillance to detect and deter illegal drug Use; (10) Administering of polygraph test; (11) Body searches; (12) Release gratuities; (13) Discharge of Inmates Under 18 U.S.C. 4163.

In future issues of the FEDERAL REGISTER the Bureau of Prisons will publish other regulations which relate to the control, custody, care, treatment, and instruction of inmates. Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, room 910, 320 1st Street NW., Washington, D.C. 20534. Comments received before September 15, 1978, will be considered before final action is taken on these proposals. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, room 910, 320 1st Street NW., Washington, D.C. 20534. The proposals may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed the following be added to 28 CFR, Chapter V: Parts 524, 540, 541, 544, 547, 550, 551, 552, 571 as set forth below.

PART 524—CLASSIFICATION OF INMATES

Subpart A–E—[Reserved]

Subpart F—Central Inmate Monitoring System

Sec.
524.70 Purpose and scope.
524.71 Central inmate monitoring case categories.
524.72 Procedures.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A–E—[Reserved]

Subpart F—Central Inmate Monitoring System

§ 524.70 Purpose and scope.

The Bureau of Prisons monitors and controls the transfer and community activities of certain inmates who pose special management problems. It maintains in its central and regional offices a record of such inmates, known as "Central Inmate Monitoring Case", and requires special approval for their transfers or community activities. This centralized monitoring is not for the purpose of precluding transfers or participation in community activities for inmates who are otherwise eligible, but provides necessary coordination and consistency.

§ 524.71 Central inmate monitoring case categories.

Central inmate monitoring cases are designated according to the following categories of inmates:

(a) Inmates who require protection and separation because they may be in danger if confined in certain geographical areas or in the same institution with certain other inmates. This category also includes inmates from whom such protection cases are to be separated and inmates who require special supervision for their own or others' protection.

(b) Inmates who by reason of their offense, criminal record, institutional behavior, or notoriety require especially close supervision. This category includes: (1) Extremely dangerous inmates whose escape attempts or other disruptive activities have been or would likely be of significant danger to others, or inmates who require separation from each other because they have been involved in criminal activity of a sophisticated nature, or who are considered a serious escape or assault risk when confined in the same facility; (2) Inmates who have made threats to a government official; and (3) Inmates who have received unusual publicity due to the nature of their crime, arrest, trial, or prisioner status, or who have been involved in criminal activity of a sophisticated nature, or whose presence in the community or in a minimum security institution might depreciate the seriousness of the offense or promote disrespect for the law.

(c) State offenders in Federal facilities and Federal offenders in State facilities. This category includes:

(1) Inmates serving State sentences in a Bureau of Prisons institution. This does not include inmates serving concurrent Federal and non-Federal sentences, nor inmates sentenced for violation of the District of Columbia Code, unless another rationale for a central inmate monitoring case designation indicated in § 524.72 (a) or (b) applies.

(2) All Federal inmates placed in State contract facilities for protection or separation. This does not include inmates serving ordinary concurrent Federal and non-Federal sentences.

§ 524.72 Procedures.

Staff shall use the following procedures in making central inmate monitoring designations:

(a) An inmate may be identified at any time for tentative designation as a central inmate monitoring case by the appropriate staff at the Central Office or institution. This tentative designation takes effect when proper notifications are made to authorities at the institution where the designated inmate is confined and at the Central Office.

(b) The Warden shall advise the inmate in writing as promptly as possible of his tentative designation and the basis for it. The notice of the basis may be limited in the interest of security or safety. For example, in protection cases under category (a) in § 524.71, notice will not ordinarily include the names of those other inmates in need of protection. On the other hand, in sophisticated criminal involvement cases under category (b)(3) in § 524.71, adequate notice should include specific reference to the sophisticated criminal involvement, that is, the crime for which the inmate was convicted or explicit evidence of other sophisticated criminal activity.

(c) The Warden shall give the inmate an opportunity to respond and object to the designation if he desires to do so. His response may be made orally to the staff designated by the Warden to supervise this program. The inmate, at his option, may also submit written information. If the inmate indicates that information must be obtained from outside the institution, he may be given a reasonable time (ordinarily not to exceed 30 days) to provide it.

(d) The Warden shall forward to the Central Office complete information regarding the central inmate monitoring case designation, including a summary of the inmate's objections and a copy of all written material submitted by the inmate under paragraph (c) of this section.

(e) Central Office staff shall make a final decision based on material forwarded from the institutional staff and shall notify the institution and the inmate of the final decision in writing. The inmate is then also advised that he may appeal the final decision directly to the General Counsel's Office, Bureau of Prisons, through the Administrative Remedy Procedure outlined in part 542, subpart B of this chapter.

(f) When an inmate's name is ordered removed from the central inmate monitoring list, staff shall remove all references to the designation from the inmate's file and any other written material in such a way that any person reviewing the file material will not be able to ascertain that such a designation was made.

(g) If designated or tentatively designated a central inmate monitoring case, an inmate may not be transferred (except for medical emergen-

cies) and may not participate in community programs without specific prior approval from the appropriate Central Office staff.

(h) The Warden may approve the transfer of an inmate designated as a central inmate monitoring case from an institution to that institution's satellite camp or for community programs in that local community without specific Central Office approval, but only for cases designated under § 524.71(a).

(i) The Warden may honor writs of habeas corpus for production of central inmate monitoring cases in U.S. Courts without prior approval from the Central Office. However, some such cases are noted specially to require that the Central Office and the Criminal Division of the Department of Justice be notified of the inmate's removal for production on writ or any other purpose.

(j) The Warden shall obtain Central Office approval prior to producing a central inmate monitoring case under writ or otherwise to a State court.

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

Subpart A–E—[Reserved]

Subpart F—Incoming Publications

Sec.
540.70 Purpose and scope.
540.71 Procedures.

Subpart G—Change of Address and Forwarding of Mail for Inmates

Sec.
540.80 Purpose and scope.
540.81 Procedures.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A–E—[Reserved]

Subpart F—Incoming Publications

§ 540.70 Purpose and scope.

The Bureau of Prisons permits an inmate to subscribe to publications without prior approval and has established procedures to determine if an incoming publication is detrimental to the security, discipline, or good order of an institution. The term publication, as used in this rule, means magazines, newspapers, and books. It does not include such materials as advertising brochures, flyers, and catalogues.

§ 540.71 Procedures.

(a) The Warden is responsible for making decisions regarding incoming publications and may delegate this responsibility to a staff member.

(b) Publications must come directly to the institution from the publisher or from a bookstore. Publications are screened for contraband by staff.

(c) A publication is not acceptable for delivery to an inmate if it is determined by the Warden of his designee to be detrimental to the security, good order, or discipline of the institution or if it might facilitate criminal activity.

(d) The Warden may not exclude a publication based solely on its religious, philosophical, political, social or sexual content.

(e) A subscription to a publication which is questionable may require a review of several issues before a decision is made to permit or exclude the publication. A publication in this category is held at the institution until the final decision is made.

(f) Individual issues of permitted publications may be found to be unacceptable and may be individually excluded.

(g) Where a publication is found to be unacceptable under these rules, the inmate is advised in writing of the decision and the reason the publication is unacceptable. This notice must contain specific reference to the specific article or material in the rejected publication which is considered objectionable.

(h) After a publication is rejected, the inmate affected may appeal the rejection through the Administrative Remedy Procedure, and may obtain a further review of a subscription publication after a lapse of at least 6 months (see part 542, subpart A).

(i) The publisher of an unacceptable publication is sent a copy of the rejection letter and advised that he may obtain an independent review of the rejection by writing the Regional Director within 15 days of receipt of the rejection letter. The rejected publication is returned to the publisher along with a request that he discontinue mailing the subscription.

(j) The Warden may set limits locally (for housekeeping or security reasons) on the number of publications an inmate may receive or retain in inmate quarters.

(k) When an inmate is transferred—(1) The receiving institution's Warden shall permit completion of any subscription that has been approved by the sending institution, except individual issues may be excluded, as noted in paragraph (f) of section; and (2) The inmate will have the responsibility of notifying the publisher of his new address.

Subpart G—Change of Address and Forwarding of Mail for Inmates

540.80 Purpose and scope.

The Bureau of Prisons provides an inmate the opportunity to notify his correspondents and others sending him mail of an address change when he is released or transferred to another institution. A postal service change of address card is available for this purpose. In addition, each institution keeps transfer or release information on inmates for the purpose of forwarding mail.

540.81 Procedures.

(a) Staff shall maintain forwarding addresses for a transferred or released inmate for a period of 180 days after the action, and forward the inmate's mail to the appropriate destination. Staff shall return mail received after 180 days of the transfer or release to the postal authorities for their disposition.

(b) At least one day prior to an inmate's release or transfer, staff shall give the inmate as many change of address cards as he requires. The inmate must sign a receipt for the change of address cards. If the inmate refuses to sign, staff shall note the reason, sign and date the receipt and forward it to the inmate's central file. Where there is no forwarding address, staff shall return the mail to the postal authorities for their disposition.

(c) Each inmate may complete the change of address cards issued him and mail them in accordance with regular correspondence procedures (see part 540). For publications, an inmate should paste the old name and address in the appropriate section of the change of address cards and complete the new address section on the card.

(d) An inmate to be transferred or released must complete two change of address cards during release or transfer processing for use by the institution for forwarding mail. If the inmate refuses, the refusal will be recorded by staff in the central file. Where there is no forwarding address, staff shall return the mail to the postal authorities for their disposition.

PART 541—DISCIPLINE AND SPECIAL HOUSING

Subpart A–D—[Reserved]

Subpart E—Maximum Security Unit at Federal Correctional Institution, Alderson, W. Va.

Sec.
541.60 Purpose and scope.
541.61 Criteria for placement in unit.
541.62 Release from unit.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A–D—[Reserved]

Subpart E—Maximum Security Unit at Federal Correctional Institution, Alderson, W. Va.

541.60 Purpose and scope.

(a) The Warden of an institution may refer a female inmate and the Warden at FCI, Alderson may transfer an inmate from the general inmate population to the maximum security

unit at FCI, Alderson, W. Va., when necessary to provide a higher level of supervision and security.

(b) The Bureau of Prisons has established the special unit at Alderson to continue to provide such inmates with humane living conditions and an opportunity to engage in self-improvement activities. While at Alderson, and assigned to this unit, they shall remain separated from the general population only as long as necessary.

§ 541.61 Criteria for placement in the maximum security unit.

The Warden at Alderson may accept for transfer and may place in the maximum security unit an inmate—

(a) Who by reason by her offense or sentence requires close supervision,

(b) Whose escape attempts or other assaultive or disruptive activities pose significant danger to others,

(c) Who requires protection because she might be in serious danger if confined in the same facility with other inmates; or

(d) Who has a record of involvement in criminal activity of a sophisticated nature.

§ 541.62 Release from the maximum security unit.

Staff may recommend release of an inmate to the general population after the inmate has demonstrated significant positive change in behavior and attitude. The Warden shall approve such cases, if he agrees there has been such a change.

PART 544—EDUCATION

Subpart A-B—[Reserved]

Subpart C—Postsecondary Education Programs for Inmates

Sec.
544.30 Purpose and scope.
544.31 Procedures.

Subpart D-G—[Reserved]

Subpart H—Optional Programing

Sec.
544.120 Purpose and scope.
544.121 Description.
544.122 Procedure.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99

Subpart A-B—[Reserved]

Subpart C—Postsecondary Education Programs for Inmates

§ 544.30 Purpose and scope.

The Bureau of Prisons encourages an interested inmate's enrollment in college-level programs whenever staff recommends such enrollment to meet a correctional goal. The Warden shall establish procedures for implementation of college-level programs.

§544.31 Procedures.

(a) When an inmate expresses interest in college-level work and staff agrees it is an appropriate program goal, staff shall assist the inmate to explore possible sources of tuition support.

(b) The institution may, as resources permit, pay up to 50 percent of the cost of college-level courses and related expenses for an inmate when: (1) Staff determines participation to be an appropriate component of the inmate's program; and (2) The inmate lacks personal and tuition support resources to pay the total cost.

(c) The institution may, as resources permit, pay total costs of college-level courses and related expenses for an inmate when: (1) No other sources of support is available; and (2) Participation is a necessary component of an inmate's correctional program.

(d) Staff may apply these financial arrangements to the following: (1) Institutional and community-based programs; (2) Correspondence programs offered by junior and community colleges; (3) Four-year colleges and universities; and (4) Post-secondary vocational or technical schools.

Subpart D-G—[Reserved]

Subpart H—Optional Programing (Educational/Vocational/Industrial)

§ 544.120 Purpose and scope.

The Bureau of Prisons shall afford each inmate the opportunity for constructive use of time. An inmate shall be able to choose from quality programs which are made available, so as to increase the success of post-release adjustment.

§ 544.121 Description.

Optional Programing: After a discussion with the inmate, staff may place the inmate in an appropriate educational, vocational or industrial program for a specified period not to exceed 90 days. At the end of this period, the inmate shall meet again with staff and may "opt out" of the program without negative consequences. If an inmate "opts out" of an educational, vocational or industrial program, he will be assigned to work on another activity.

§ 544.122 Procedure.

(a) Staff of each institution shall develop and make known the criteria of eligibility and acceptance for each available program;

(b) Staff of each institution shall establish local policy to provide: (1) Procedure for placing an inmate in an educational, vocational or industrial program; (2) The minimum stay in respective programs before an inmate may "opt out"; and (3) Procedure for "Opting out" of a program.

PART 547—FOOD SERVICE

Subpart A—[Reserved]

Subpart B—Use of Pork and Pork Derivatives in the Preparation and Seasoning of Specific Food Items

Sec.
547.10 Purpose and scope.
547.11 Procedures.

Subpart C—Kosher Food

Sec.
547.20 Purpose and scope.
547.21 Eligibility.
547.22 Basic kosher menu.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

Subpart A—[Reserved]

Subpart B—Use of Pork and Pork Derivatives in the Preparation and Seasoning of Specific Food Items

§ 547.10 Purpose and scope.

The Bureau of Prisons extends the greatest amount of individual freedom to inmates in the selection of food items within the constraints of standard ration allowances and budget limitations.

§ 547.11 Procedures.

(a) In the preparation of 35-day cycle menus for administrative appraisal, staff shall identify with an asterisk all food items to be prepared or seasoned with pork or pork derivatives. Staff shall post the menus, with pork items identified, on menu boards in all dining rooms and shall inform the institution population of the meaning of the asterisk or other marking.

(b) In instances where the posted menu offers only one vegetable for a meal, pork or pork derivatives may not be used as a seasoning agent for that vegetable.

Subpart C—Kosher Food

§ 547.20 Purpose and scope.

The Bureau of Prisons provides a Jewish inmate who wishes to observe Jewish dietary laws with a diet sufficient to sustain him in good health without violating those dietary laws. Staff shall provide an inmate observing the dietary laws with a menu which provides as great a variety of foods as possible within the constraints of budget limitatons and custodial considerations.

§ 547.21 Eligibility.

(a) A Jewish inmate who wishes to observe Jewish dietary laws shall sign a statement to that effect. The inmate must present this statement to the institution's chaplain and discuss it with him. Upon presentation of the statement the inmate is entitled to receive

kosher food as soon as practical. This entitlement continues as long as the inmate observes the dietary laws.

(b) If an inmate fails to observe the dietary laws, the Warden may remove the inmate from the kosher food program. The inmate who is removed may appeal the removal through the Administrative Remedy Procedure (part 542, subpart B).

§ 547.22 Basic kosher menu.

(a) All food (except eggs, raw fruits and vegetables) to be provided to inmates observing the Jewish dietary laws shall be certified or deemed acceptable by the Kashruth Division of the Union of Orthodox Jewish Congregations of America or any other Jewish agency deemed acceptable by the inmates at the local institution.

(b) Staff shall provide proper utensils for preparing and storing kosher food.

(c) The Warden may assign an inmate entitled to kosher food to the food service to facilitate the implementation of these regulations.

PART 550—DRUG PROGRAMS

Subpart A–C—[Reserved]

Subpart D—Urine Surveillance to Defect and Deter Illegal Drug Use

Sec.
550.30 Purpose and scope.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5015, 5039; 28 CFR 509, 510; 28 CFR 0.95-0.99.

Subpart A–C—[Reserved]

Subpart D—Urine Surveillance to Defect and Deter Illegal Drug Use

§ 550.30 Purpose and scope.

(a) The Warden shall establish programs of urine testing for drug use, to monitor specific groups or individual inmates who are considered as high risk for drug use, such as those involved in community activities, those with a known history of drug use, and those inmates specifically suspected of drug use. Testing shall be performed with frequency determined by the Warden on at least 50 percent of those inmates who have a history of drug use and are involved in community activities. In addition, staff shall randomly sample each institution's inmate population during each month to test for drug use.

(b) Institution staff shall have each positive urine test result validated to substantiate the positive result. If the inmate's urine test shows a positive result for the presence of drugs which he cannot justify, staff shall file a disciplinary report.

(c) If an inmate is unwilling to provide a urine sample within two hours of a request for it, staff may file a disciplinary report.

PART 551—MISCELLANEOUS

Subpart A–F—[Reserved]

Subpart G—Administering of Polygraph Test

Sec.
551.95 Purpose and scope.
551.96 Procedures.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

Subpart A–F—[Reserved]

Subpart G—Administering of Polygraph Test

§ 551.95 Purpose and scope.

The Bureau of Prisons cooperates with law enforcement officials, and other authorized individuals in the performance of their duties by permitting them to administer polygraph tests to an inmate if the inmate consents to the testing.

§ 551.96 Procedures.

(a) The Warden may permit polygraph tests in connection with a State or Federal criminal felony investigation.

(b) The Warden may permit polygraph tests in connection with misdemeanor offenses, civil proceedings, or any other matters. This type of request, however, is generally disapproved.

(c) The Warden may permit a polygraph test at the request of a defense counsel or other representative of the inmate. These requests are subject to the same standards and procedures applicable to testing by law enforcement officials.

(d) The Warden may deny any request for testing which he feels might disrupt the security or good order of the institution. (e) Upon request to conduct a polygraph examination of an inmate, the Warden may approve the request if: (1) The validity of the request and of the examining agency can be confirmed; (2) The request complies with this section; and (3) The inmate gives written consent to the testing.

(f) If the request is approved, the Warden shall notify the requestor that he is responsible for meeting all state and local requirements in administering the test.

(g) The Bureau of Prisons maintains a record in the inmate's central file of the polygraph test including the inmate's consent and the time and place of and the personnel involved in the testing.

PART 552—CUSTODY

Subpart A–B—[Reserved]

Subpart C—Body Searches

Sec.
552.50 Purpose and scope.
552.51 Authority.
552.52 Procedures.
552.53 Intrusion for medical reasons.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161-4166, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

Subpart A–B—[Reserved]

Subpart C—Body Searches

§ 552.50 Purpose and scope.

In order to further the safe, secure and orderly running of the institution, the Bureau of Prisons conducts searches of inmates as necessary to deter the introduction and movement of contraband. Staff may employ the type of search indicated by the type of contraband and method of introduction suspected.

§ 552.51 Authority.

(a) Staff may not conduct a search by digital or simple instrument intrusion of the body without prior approval by the Warden, Acting Warden, or duty officer. Staff shall document all such searches in the inmate's central file.

(b) Staff may conduct pat searches and visual searches, as necessary, without prior approval of the Warden.

552.52 Procedures.

(a) Staff may search the inmate by the following means without prior approval from the Warden: (1) A visual search—that is, a visual inspection of all surfaces and body cavities; and (2) A pat search—that is, an inspection of a fully-clothed inmate, using the hands, including a search of the inmate's clothing and personal effects. A metal detector search may be done under the same circumstances. For both (1) and (2), where possible, staff of the same sex as the inmate shall make the search. Where this is not possible and circumstances are such that delay would mean the likely loss of contraband, staff of the opposite sex shall make the search. When staff of the opposite sex make a visual search, staff shall place documentation of this fact in the inmate's central file.

(b) If staff has reason to believe that an inmate is concealing contraband in or on his person, a physician, a physician's assistant, medical-technical assistant or nurse may, with the approval of the Warden, conduct a search by means of a digital intrusion, using finger or thumb, or a simple otoscope, tongue blade, or short nasal speculum in their respective ordinary use.

(c) Staff shall solicit the inmate's written consent prior to conducting a digital intrusion; however, the inmate's consent is not required.

(d) Staff may not conduct a digital intrusion if it is likely to result in injury to the inmate.

552.53 Intrusion for medical reasons.

The institution physician may authorize an X-ray, instrument or surgi-

cal intrusion, including the use of an anoscope or vaginal speculum, for medical reasons only.

PART 571—RELEASE FROM CUSTODY

Subpart A–B—[Reserved]

Subpart C—Release Gratuities

Sec.
571.30 Purpose and scope.
571.31 Procedures.
571.32 Release clothing.

Subpart D–G—[Reserved]

Subpart H—Discharge of Inmates Under 18 U.S.C. 4163

Sec.
571.90 Procedures.

AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5015, 5029; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A–B—[Reserved]

Subpart C—Release Gratuities

§ 571.30 Purpose and scope.

When an inmate is released, it is the policy of the Bureau of Prisons that he have in his possession funds to care for himself in the community until he begins to receive an income. 18 U.S.C. 4281 provides for a discretionary gratuity of up to $100 per inmate for this purpose.

§ 571.31 Procedures.

(a) An inmate is eligible for a gratuity as determined by the availability of personal and community resources. The Warden may give greater consideration to an inmate without funds or community resources.

(b) A Federal prisoner boarded in a nonfederal facility is eligible for a release gratuity. The director of the nonfederal facility housing Federal inmates or the community programs officer shall determine the amount of the release gratuity up to $100 for Federal inmates housed in nonfederal facilities.

(c) The inmate transferred to a Federal Community Treatment Center may not receive a gratuity. The inmate may receive payment for travel expenses, including meals, en route to the Center.

(d) The inmate who is without personal funds amy receive a gratuity when transferred to a contract halfway house. The amount shall enable the inmate to care for his needs in transit and allow for the purchase of necessary personal items upon arrival.

(e) Staff shall provide the inmate released to a detainer with information on how to apply for a gratuity if released prior to expiration of the Federal sentence.

(f) The Warden shall insure that each alien released to immigration authorities has at least $20 cash. This provision does not apply to aliens serving 60 days or less in contract facilities.

§ 571.32 Release clothing.

(a) Staff shall provide work clothes at the time of release to the inmate who requests them. The nonavailability of work clothes may limit this practice.

(b) The institution staff shall provide the inmate transferred to a Community Treatment Center or Work Release with appropriate clothing for the time of year and the inmate's geographical destination.

Subpart D–G—[Reserved]

Subpart H—Discharge of Inmates Under 18 U.S.C. 4163

§ 571.90 Procedures.

(a) Pursuant to 18 U.S.C. 4163, the Bureau of Prisons releases an inmate whose release date falls on a Saturday, Sunday, or holiday, on the preceding regular work day, unless it is necessary to detain the inmate for another jurisdiction seeking custody under a detainer or for any other reason which might indicate that the inmate should not be released until his normal release date.

(b) The number of days released early under 18 U.S.C. 4163 may not be added to the number of days remaining to be served by an inmate. Neither may it be used to release by mandatory release an inmate who would otherwise have been released by expiration of sentence.

NORMAN A. CARLSON,
Director, Federal Bureau of Prisons.

JULY 11, 1978.

[FR Doc. 78-19599 Filed 7-14-78; 8:45 am]

[7710-12]

POSTAL SERVICE

[39 CFR Part 111]

THIRD CLASS MAIL

Bulk Rate Pieces Bearing Attachments

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service is considering the possibility of amending its regulations to allow mailers under certain conditions to attach sales flyers or other such materials to the front cover page or back cover page of mailing pieces such as books and catalogs that are mailed at the bulk third-class postage rates. Existing regulations do not permit mailers to attach materials to books and catalogs mailed at bulk rates, since these materials tend, among other things, to jam mail processing machinery and create hazardous conditions on the workroom floor of post offices. To avoid these problems, the proposed rule would require that attachments be secured so as not to interfere with processing or delivery, and folded or multipage attachments be secured to prevent opening during handling. In addition, it would be required that the mailing piece and the attachment be mailed at bulk rates, and that the higher rate be paid if the mailing piece and the attachment are subject to different rates. Pieces bearing attachments would have to be larger than 6 by 11 inches (too large to be distributed in a regular letter case), and the mailing would have to be presorted to carrier routes. Also, each piece in the mailing would have to bear the same attachment.

DATE: Comments must be received on or before August 16, 1978.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Office of Mail Classification, room 1610, 475 L'Enfant Plaza SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Ernest J. Collins, 202–245–4749.

SUPPLEMENTARY INFORMATION: Mailers have asked the Postal Service to allow attachments on large-sized third-class mailing pieces to emphasize selected merchandise items. External attachments are potentially a source of handling problems in the postal system since they snag against other mail. The mailers desire to use lines of glue only along certain edges of the attachment to hold the pieces together during transit because they wish to make it possible for the recipient to remove the attachment without defacing the printed matter. If the attachments are firmly affixed along all four edges they create no particular handling difficulty; however, the desired method of attachment could leave open or unglued edges susceptible of snagging. The Postal Service can accommodate the desires of these mailers only if the mailing pieces are prepared by the mailer so as to minimize the necessity to handle them individually or with smaller letter-sized pieces in our system. Consequently, we are proposing to allow securely affixed external attachments even though they are not affixed along all four edges provided the mailing pieces meet necessary conditions of mailing.

The Postal Service, for the purposes described above, is proposing to add a new section 134.47 and to amend the first sentence in section 134.71 of the Postal Service Manual, chapter I of which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 111.1). Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Postal Service Manual:

PART 134—THIRD CLASS

1. In 134.4 add new .47 to read as follows:

134.4 Preparation—payment of postage.

* * * * *

.47 Pieces Bearing Attachments

The front cover page or the back cover page of a mailing piece may bear an attachment provided the following conditions are complied with:

a. The material must be mailed at bulk rates. If the mailing piece and the attachment are subject to different rates, the higher rate shall be paid for both.

b. Pieces bearing attachments must be larger than 6 by 11 inches (too large to be distributed in a regular letter case).

c. The mailing must be presorted to carrier routes.

d. Attachments must be secured so as not to interfere with processing or delivery. Folded or multipage attachments must be secured to prevent opening during handling.

e. Each piece in the mailing must bear the same attachment.

2. In 134.7 revise the first sentence of .71 to read as follows:

134.7 Enclosures.

.71 Books and catalogs mailed at bulk rates provided by 134.121.

Except as provided in section 134.47, external attachments are not permitted. * * *

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401.)

W. ALLEN SANDERS,
Assistant General Counsel.

[FR Doc. 78-19617 Filed 7-14-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 928-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

North Carolina: Proposed Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: It is proposed to revise the North Carolina implementation plan by specifying in greater detail the procedures which air pollution sources are to follow to show compliance with the emission control standards of the plan. This proposal replaces one made on May 5, 1978 (43 FR 19425), to revise the methods whereby fuel burning sources may show compliance with the plan's sulfur dioxide control standards through fuel analysis.

DATE: To be considered, written comments must be received on or before August 16, 1978.

ADDRESSES: Copies of the materials submitted by the State of North Carolina may be examined by the public during normal business hours at the following locations:

Air Programs Branch, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30308.

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

Air Quality Section, Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, 512 North Salisbury Street, P.O. Box 27687, Raleigh, N.C. 27611.

FOR FURTHER INFORMATION CONTACT:

Walter Bishop, Air Programs Branch, EPA Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308, 404-881-3286, FTS: 257-3286.

SUPPLEMENTARY INFORMATION: On March 10, 1977, the North Carolina Environmental Management Commission adopted various changes in the North Carolina air pollution control regulations, including a revision of regulation .0501, Compliance with Emission Control Standards. These changes were submitted to the Agency pursuant to 40 CFR 51.6 on March 22, 1977. Because of problems with certain of the changes, they were not announced in the FEDERAL REGISTER at that time. On February 9, 1978, the Environmental Management Commission approved further changes in revised regulation .0501(d) which were submitted for EPA's approval on February 14, 1978. Through an oversight, the latter changes were announced as proposed rulemaking on May 5, 1978 (43 FR 19425), even though the regulation they would change had not been approved by EPA. The purpose of this notice is to withdraw the May 5, 1978 proposal dealing with methods of fuel analysis applicable to fuel burning sources, and to propose regulation .0501 as it now stands in the State's regulations by virtue of the Environmental Management Commission's actions of March 10, 1977, and February 9, 1978.

In the present North Carolina plan, regulation .0501(d) states simply that testing to determine compliance with emission control standards shall be in accordance with methods approved by the State air pollution control agency. The provisions of the revised regulation .0501(d) are now described. These do not apply in cases where testing is prescribed by regulations .0524, .0525, .0603, or .0604, that is, in cases where test methods are prescribed by National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61), New Source Performance Standards (40 CFR Part 60) or by EPA's monitoring requirements for certain types of existing sources (Appendix P to 40 CFR Part 51). (In the succeeding paragraphs, test methods identified by a number are those found in Appendix A to 40 CFR Part 60.)

(1) Choice of particulate sampling sites and the number of test points shall be governed by method 1.

(2) Compliance with particulate emission standards shall be shown in accordance with method 5, except for minimum test times: 2 minutes per point, and 1 hour per run. For sources emitting fine droplets of liquid organics, the use of method 5 as proposed in the FEDERAL REGISTER of August 17, 1971 (36 FR 15713 ff.), may be required.

(3) Fuel burning sources may show compliance with sulfur dioxide emission standards either by fuel analysis or by stack sampling. If fuel analysis is chosen, the following methods of the American Society for Testing and Materials (ASTM) shall be used: (A) coal—D 2234 for sampling, D 2013 for preparation, and D 2015 for gross calorific value, D 3173 for moisture content, and D 3177 for sulfur content; (B) oil—D 270 for sampling, D 240 for heat of combustion, and D 129 for sulfur content. Sulfur content and heating value of fuels shall be reported on a dry basis. To demonstrate compliance through stack sampling, Method 8 shall be used.

(4) Sulfuric acid manufacturing plants and spodumene ore roasting plants shall demonstrate compliance with regulations .0517 and .0527 through use of Method 8.

(5) All other industrial processes emitting SO_2 shall demonstrate compliance through method 6.

(6) To demonstrate compliance with nitrogen oxides emission standards, Method 7 shall be used.

(7) Each test (excluding fuel analysis) shall consist of three runs, and the average of the three will be used to determine compliance.

(8) Collecting of samples to determine gas composition shall be conducted according to Method 3. (A) The grab sample technique may also be used with certain restrictions. (B) Fuel burning sources may calculate concentrations of oxygen and nitrogen from the combustion relations for various fuels.

(9) In the case of processes whose allowable emission rate is determined by the production rate, provision must be made for controlling and measuring the production rate. Fuel burning sources may calculate heat input from flue gases using the integrated sampling and Orsat analysis described in Method 3.

(10) Test procedures other than those specified above may be used only with the approval of the Director of the Division of Environmental Management or his delegate. The Director or his delegate may on his own initiative prescribe alternative test procedures on an individual basis when he deems them necessary to secure reliable test results.

Also, paragraph (f) is added to regulation .0501 as follows: "In addition to any control or manner of operation necessary to meet emission standards in this section, any source of air contamination shall be operated with such controls or in such manner that the source shall not cause the ambient air quality standards of section .0400 of this subchapter to be exceeded at any point beyond the premises on which the source is located."

Since the proposed changes described above would not affect any established emission limits of the North Carolina implementation plan, the State did not submit any control strategy revisions in support of them.

The public is encouraged to participate in this rulemaking by submitting written comments on the proposed North Carolina plan revisions. (See "comments" above.) After considering all relevant comments received together with other information available to him, the Administrator will take action on these proposed revisions.

(Sec. 110(a) of the Clean Air Act (42 U.S.C. 7410(a)).)

Dated: June 30, 1978.

PAUL J. TRAINA,
Acting Regional Administrator.

[FR Doc. 78-19540 Filed 7-14-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 928—8]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for the Campbell Soup Co., Napoleon, Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: EPA proposes to issue an Administrative Order to the Campbell Soup Co. The Order requires the Company to bring its boilers at Napoleon, Ohio (the source) into compliance with Ohio Regulations AP-3-07 and AP-3-11, part of the federally approved Ohio State Implementation Plan (SIP). Because the Company is unable to comply with these regulations at this time, the proposed Order would establish an expeditious schedule requiring final compliance by July 1, 1979. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act for violation of the SIP regulations covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before August 16, 1978, and requests for a public hearing must be received on or before August 1, 1978. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESS: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Ill. 60604. Material supporting the order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Linda M. Buell, Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604; 312-353-2082.

SUPPLEMENTARY INFORMATION: The Campbell Soup Co. operates a food processing plant at Napoleon, Ohio. The proposed Order addresses emissions from two coal-fired boilers at this facility, which are subject to regulations AP-3-07 and AP-3-11 of the Ohio Implementation Plan. The regulation limits the emissions of particulate matter and is part of the federally approved Ohio State Implementation Plan. The order requires final compliance with the regulations by July 1, 1979, and the source has consented to its terms. As of the date of this publication, the source has already satisfied the first increment contained in this order.

The proposed order satisfies the applicable requirements of section 113(d) of the Clean Air Act (the Act). If the Order is issued, source compliance with its terms would preclude further EPA enforcement action under section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (section 304) would be similarly precluded. The final two increments contained in the schedule satisfy the applicable requirements of Section 113(a) of the Act.

Comments received by the date specified above will be considered in determining whether EPA should issue the order. Testimony given at any public hearing concerning the order will also be considered. After the public comment period and any public hearing, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon and will contain the procedure for EPA's issuance, approval, and disapproval of an order under section 113(d) of the Act. In addition, Part 65 will contain sections summarizing orders issued, approved, and disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

Dated: June 21, 1978.

THOMAS E. YEATES,
Acting Regional Administrator,
Region V.

[Statutory Authority: Sec. 113(a) and (d)(1) of the Clean Air Act (42 U.S.C. 7413 (a) and (d)(1)).]

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding § 65.400 to read as follows:

§ 65.400 Federal Delayed Compliance Orders issued under Section 113(d)(1), (3), and (4) of the Act.

* * * * *

(k) * * *

U.S. ENVIRONMENTAL PROTECTION AGENCY

In the matter of Campbell Soup Co., Napoleon, Ohio. Proceeding under sections 113(a), (d) Clean Air Act, as amended—Order No. EPA-5-78-A.

ORDER

The following Order is issued this date pursuant to sections 113(a) and (d) of the Clean Air Act, as amended, 42 U.S.C. section 7413(a) and (d), (hereinafter referred to as

"the act"). The Order contains a compliance schedule with increments of progress, interim emission reduction requirements, and emission monitoring and reporting conditions. Final compliance is required as expeditiously as practicable, but no later than July 1, 1979. The source is hereby notified that it may be required to pay a noncompliance penalty in the event it fails to achieve final compliance by July 1, 1979. Public notice, opportunity for a public hearing and notice to the State of Ohio have been provided pursuant to section 113(d)(1) of the act.

On November 18, 1977, James O. McDonald, Director, Enforcement Division, Region V, United States Environmental Protection Agency (hereinafter referred to as "U.S. EPA"), pursuant to authority duly delegated to him by the Administration of U.S. EPA, issued a Notice of Violation to the Campbell Soup Co. (hereinafter referred to as "the Company") stating that the Company's facility, located in Napoleon, Ohio, was found to be in violation of the applicable Ohio Implementation Plan, as defined in section 110(d) of the Act. The Notice cited the Company's boilers 11-A (otherwise known as boiler B-001) and 11-B (otherwise known as boiler B-002) for violation of Ohio Regulation AP-3-11. A copy of said Notice was sent to the State of Ohio Environmental Protection Agency. After the Notice was received by the Company, U.S. EPA found boiler 11-B (B-002) in violation of Ohio Regulation AP-3-07.

Pursuant to Section 113(a)(4) of the Act, opportunity to confer with the Administrator's delegates was duly given to the Company. On December 28, 1977, a conference was held in Chicago, Ill., to discuss the November 18, 1977, Notice of Violation mentioned above. At this conference, the Company was notified that boiler 11-B (B-002) was found to be in violation of AP-3-07.

U.S. EPA has determined that said violations have continued beyond the thirtieth day after the date of the Enforcement Director's notification.

After a review of information submitted at the conference and a through investigation of all relevant facts, including public comment, it has been determined that the Company is presently unable to comply with Ohio Regulations AP-3-07 and AP-3-11, that the schedule hereinafter set forth requires compliance as expeditiously as practicable, and that the terms of this Order comply with 113(d) of the act.

Therefore, it is hereby Ordered that:

1. The Company shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 in accordance with the following schedule:

Increment	Date
Issue all necessary purchase order	April 15, 1978
Submission of engineering report	June 15, 1978
Initial delivery of equipment	May 1, 1979
Begin construction	May 15, 1979
Cease operation of boilers 11-A- (B-001) and 11-B (B-002) for tie-in of control equipment	June 30,1979
Complete tie-in and commence operation of boilers 11-A (B-001) and 11-B (-002) and control equipment in compliance with AP-3-07 and AP-3-11	Aug. 15, 1979
Submission of test results and demonstration of compliance with AP-3-07 and AP-3-11	Sept. 15, 1979

II. This schedule provides for final compliance with Ohio Regulations AP-3-01 and AP-3-11 by July 1, 1979, as required by section 113(d)(1)(D) of the act. Final compliance will occur on this date when operation of boilers 11-A (B-001) and 11-B (B-002) will cease; operation of these boilers will not begin again until pollution controls have been installed.

III. This schedule is protected by Section 113(d)(10) against Federal enforcement action and citizen suits under section 304 until July 1, 1979. After July 1, 1979, this schedule is covered by section 113(a).

IV. Nothing herein shall affect the responsibility of the Company to comply with other Federal, State or local regulations.

V. The Company shall notify U.S. EPA as soon as the Company is aware that it may not meet the requirements specified in Paragraph I in a timely manner. The Company shall submit reports to the U.S. EPA detailing progress made with respect to each requirement of this Order. Such reports shall be submitted within ten (10) days of the completion of such requirement. In addition, no later than September 15, 1979, the Company shall certify to the U.S. EPA the the Napoleon facility is in final compliance with AP-3-07 and AP-3-11.

VI. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, section 303 of the act, 42 U.S.C. 7503.

VII. Pursuant to section 113(d)(7) of the act, during the period of this Order, until completion of the program set out in Paragraph I herein, the Company shall use the best practicable systems of emission reduction so as to minimize particulate emissions and shall further comply with the requirements of the applicable implementation plan insofar as it is able to.

VIII. The Company shall install and maintain, no later than the final date for compliance set forth in Paragraph I above, a continuous opacity monitor on each stack. These continuous monitoring systems shall be installed, calibrated, maintained and operated in accordance with the procedures set forth in Appendix B of 40 CFR Part 60. Pursuant to section 114 of the act, monitor data shall be retained by the Company for at least two (2) years subsequent to recording. Quarterly reports of emission excesses shall be sent to U.S. EPA.

IX. The Campbell Soup Co. is hereby notified that its failure to achieve final compliance by July 1, 1979, may result in a requirement to pay a noncompliance penalty under section 120. In the event of such failure, the Campbell Soup Co. will be formally notified, pursuant to section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

X. Nothing herein shall be construed to be a waiver by the Campbell Soup Co. of its rights to challenge any regulations promulgated under section 120, as authorized by section 307(b)(1) of the act.

XI. All submissions and notifications to U.S. EPA, pursuant to this Order, shall be made to the Air Compliance Section, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-2090. It is so Ordered.

Date———

VALDAS V. ADAMKUS,
Acting Regional Administrator.

XII. Campbell Soup Co. has reviewed this Order, consents to the terms and conditions of this Order, and believes it to be a reasonable means by which the Napoleon, Ohio, facility can achieve final compliance with Ohio Regulations AP-3-07 and AP-3-11.

Date———

Campbell Soup Co.

[FR Doc. 78-19615 Filed 7-14-78; 8:45 am]

[6560-01]

[40 CFR Part 180]

[FRL 928-5 PP 5F1546/P56]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerances for the Pesticide Chemical O,O-Dimethyl S-[(4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl] phosphorodithioate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the insecticide O,O-dimethyl S-[(4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl] phosphorordithioate. The proposal was submitted by Mobay Chemical Corp. This amendment to the regulations will establish maximum permissible levels for residues of the insecticide on pasture grass and pasture grass hay and in the meat, fat, and meat byproducts of horses.

DATE: Comments must be received on or before August 16, 1978.

ADDRESS: Send comments to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank Sanders, Product Manager (PM) 12, Registration Division (NH-567). Office of Pesticide Programs, EPA, 202-426-9425.

SUPPLEMENTARY INFORMATION: On December 12, 1974, notice was given (39 FR 43326) that Chemagro Agricultural Division of Mobay Chemical Corp., P.O. Box 4913, Hawthorn Road, Kansas City, Mo. 64120, had filed a petition (PP 5F1546) with the EPA. This petition proposed to amend 40 CFR 180.154 by establishing tolerances for residues of the insecticide O, O dimethyl S-[(4-oxo-1,2,3,-benzotriazin-3(4H)-yl)methyl] phosphorodithioate in or on the raw agricultural commodities pasture grass hay at 5 parts per million (ppm) and pasture grass at 2 ppm.

Subsequently, Mobay Chemical Corp. amended the petition by proposing an additional tolerance for residues of the subject pesticide in the meat, fat, and meat byproducts of

horses at 0.1 ppm. In addition, to distinguish between dried pasture grass and fresh pasture grass, the commodity pasture grass is referred to as green pasture grass. This document also corrects a misspelling of the chemical name of the subject pesticide.

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the tolerances established by amending 40 CFR 180.154 will protect the public health.The scientific data considered in support of the proposed tolerances were 2-year, rat and dog feeding studies both showing no-observable-effect levels (NOEL) of 5 ppm, a three-generation mouse reproduction study showing an NOEL of 25 ppm, and a rabbit teratogenicity study, which was negative at 0.75 mg/kg of body weight (bw)/day. Based on the 2-year lifetime rat oncogenicity study, which showed no significant increase in tumor formation, additional tumorogenicity studies are not deemed necessary at this time. Based on the rat NOEL (5 ppm) and using a safety factor of 10, the acceptable daily intake (ADI) for man is 0.025 mg/kg bw. The theoretical exposure of man will not be altered by these tolerances since residues, if any, in meat and milk are adequately covered by existing tolerances. An adequate colorimetric method of analysis is available for enforcement purposes. Permanent tolerances have previously been established (40 CFR 180.154 and 180.154a) for residues of the subject pesticide in or on a variety of raw agricultural commodities from 10 ppm to 0.04 ppm. A food additive tolerance has also been established (21 CFR 193.150) for residues in soybean oil at 1 ppm, and feed additive tolerances have been established (21 CFR 561.180) in dried citrus pulp at 5 ppm and in sugarcane bagasse at 1.5 ppm. The theoretical maximal residue contribution (TMRC) in the human diet from all these tolerances does not exceed the ADI. The pesticide is considered useful for the purpose for which tolerances are sought.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before August 16, 1978, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP5F1546/P56". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: July 7, 1978.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

STATUTORY AUTHORITY: Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).

It is propsed that part 180, subpart C, section 180.154 be revised in its entirety in the heading and text by editorially reformating the section into an alphabetized columnar listing and alphabetically inserting tolerances of 5 ppm on pasture grass hay, 2 ppm on pasture grass (green), and 0.1 ppm in the meat, fat, and meat byproducts of horses as follows:

§ 180.154 *O,O*-Dimethyl *S*-[(4-oxo-1,2,3-benzotriazin-3(4*H*)-yl)methyl] phosphorodithioate; tolerances for residues.

Tolerances are eatablished for residues of the insecticide *O,O*-dimethyl *S* [4 - oxo - 1,2,3 - benzotriazin - 3(4*H*) - yl) methyl] phosphorodithioate in or on the following raw agricultural commodities:

	Parts per million
Alfalfa	2.0
Alfalfa, hay	5.0
Almonds	.3
Almonds, hulls	10.0
Apples	2.0
Apricots	2.0
Artichokes	2.0
Barley, grain	.2
Barley, straw	2.0
Beans, (dry)	.3
Beans, snap	2.0
Blackberries	2.0
Blueberries	5.0
Boysenberries	2.0
Broccoli	2.0
Brussels sprouts	2.0
Cabbage	2.0
Cattle, fat	.1
Cattle, mbyp	.1
Cattle, meat	.1
Cauliflower	2.0
Celery	2.0
Cherries	2.0
Citrus fruits	2.0
Clover	2.0
Clover, hay	5.0
Cottonseed	.5
Crabapples	2.0
Cranberries	2.0
Cucumbers	2.0
Eggplants	.3
Filberts	.3
Goats, fat	.1
Goats, mbyp	.1
Goats, meat	.1
Grapes	5.0
Grass, pasture (green)	2.0
Grass, pasture, hay	5.0
Horses, fat	.1
Horses, mbyp	.1
Horses, meat	.1
Loganberries	2.0
Melons (honeydew, muskmelons, cantaloups, watermelons, and other melons)	2.0
Nectarines	2.0
Oats, grain	.2
Oats, straw	2.0
Onions	2.0
Peaches	2.0
Pears	2.0
Peas, black-eyed	.3
Pecans	.3
Peppers	.3
Plums (fresh prunes)	2.0
Potatoes	.3
Quinces	2.0
Raspberries	2.0
Rye, grain	.2
Rye, straw	2.0
Sheep, fat	.1
Sheep, mbyp	.1
Sheep, meat	.1
Soybeans	.2
Spinach	2.0
Strawberries	2.0
Sugarcane	.3
Tomatoes (pre- and post-H)	2.0
Walnuts	.3
Wheat, grain	.2
Wheat, straw	2.0

[FR Doc. 78-19600 Filed 7-14-78; 8:45 am]

[4110-08]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 52j]

MULTIPURPOSE ARTHRITIS CENTERS PROGRAM

Decision to Develop Regulations

AGENCY: PHS, National Institutes of Health.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Assistant Secretary for Health is developing regulations for the Multipurpose Arthritis Centers program supported by grants from the National Institutes of Health. The Centers, authorized by 42 United States Code 289c-6 are to conduct basic and clinical research, as well as provide for the training and continuing education of health professionals in the field of arthritis. The centers will also disseminate to the public information about the disease, its detection and treatment. The regulations will present eligibility and administrative requirements for applicants.

FOR FURTHER INFORMATION CONTACT:

Dr. Michael Gough, National Institute of Arthritis, Metabolism, and Digestive Diseases, National Institutes of Health, Westwood Building, room 603, Bethesda, Md. 20014, 301-496-7433.

Dated: June 22, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

[FR Doc. 78-19582 Filed 7-14-78; 8:45 am]

[4110-35]

Health Care Financing Administration

[45 CFR Part 19]

MAXIMUM ALLOWABLE COST PROGRAM

Intent to Set MAC Limits

AGENCY: Health Care Financing Administration.

ACTION: Notice of intent to set MAC limits.

SUMMARY: The Pharmaceutical Reimbursement Board is considering setting maximum allowable cost (MAC) limits for the drug products specified in this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter Rodler, Office of Pharmaceutical Reimbursement, 3076 Switzer Building, 330 C Street SW., Washington, D.C. 20201, 202-472-3820.

SUPPLEMENTARY INFORMATION: The Pharmaceutical Reimbursement Board was established by the Secretary to set MAC limits on reimbursement for multiple source drugs under medicare, medicaid and other programs administered by the Department (see 45 CFR Part 19). We are publishing the notice of intent in order that all interested parties will be advised of the Board's intentions at the same time and will have ample opportunity to make their views known to the Board. Proposed limitations will be published for public comment later this year. In addition, if the notice of proposed rulemaking published on June 13, 1978 (43 FR 25450), is promulgated as a final rule, a public hearing will be held and a notice will be published in the FEDERAL REGISTER.

The list of drug products which the Board is considering is:

Meprobamate, 200 mg and 400 mg tablets.
Phenylbutazone, 100 mg tablets.
Doxepin HCL, 10 mg, 25 mg and 50 mg tablets.
Probenecid, 0.5 g tablets.
Amoxicillin, 250 mg and 500 mg capsules.
Amoxicillin, 125 mg and 250 mg/5 ml solution.
Erythromycin, 250 mg and 500 mg capsules.
Erythromycin Stearate, 250 mg and 500 mg tablets.
Penicillin G Potassium, 400 mu and 800 mu tablets.
Acetominophen w/codeine, 30 mg and 60 mg tablets.
Hydrochlorothiazide, 25 mg and 50 mg tablets.
Methenamine Hippurate, 1 gm tablets.
Levothyroxin Sodium, 0.1 mg, 0.2 mg and 0.3 mg tablets.

The Board may also reconsider the MAC limits which have already been set for the following ampicillin products:

Ampicillin, 250 mg capsules (42 FR 27306).
Ampicillin, 500 mg capsules (42 FR 27306).
Ampicillin 125 mg/5 ml (42 FR 48393).
Ampicillin 250 mg/5 ml (42 FR 48393).

Dated: July 11, 1978.

PETER RODLER,
Executive Secretary, Pharmaceutical Reimbursement Board.

[FR Doc. 78-19583 Filed 7-14-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-155; RM-2809]

COMMON USE OF TV TOWERS

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding relating to common use of television towers. Petitioners, Electro Magnetic Resources Engineering, Inc., and American Telecasters, Inc., state the additional time is necessary for the preparation of comments.

DATES: Comments must be received on or before August 2, 1978, and reply comments on or before August 23, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

ORDER EXTENDING TIME FOR FILING COMMENTS AND REPLY COMMENTS

Adopted: July 6, 1978.

Released: July 7, 1978.

In the matter of common use of TV towers, BC Docket No. 78-155, RM-2809.

1. On May 18, 1978, the Commission adopted a Notice of Inquiry, 43 FR. 24717, concerning the above-entitled proceeding. The present dates for filing comments and reply comments are July 3, and July 24, 1978, respectively.

2. Timely motions for extension of time have been filed by Electro Magnetic Resources Engineering, Inc. ("EMR") and American Telecasters, Inc. ("ATI"), seeking an extension of time for filing comments and reply comments to and including August 2, and August 23, 1978, respectively. ERM asserts that the Notice raises numerous complex engineering and other questions which require careful review. It states that it needs additional time in which to complete its research and engineering analysis. ATI states that one of the questions in the Notice is concerned with the experiences of UHF television stations who had sought access to tall towers erected by VHF television licensees. ATI notes that it is preparing a letter to numerous UHF stations asking for specific information on such experiences. However, this process cannot be completed by the present deadline date for comments.

3. We are of the view that the public interest would be served by this extension so that the above parties may file any information which might be helpful to the Commission in reaching a decision in this proceeding.

4. *Accordingly, it is ordered,* That the dates for filing comments and reply comments in BC Docket No. 78-155 are extended to and including August 2, and August 23, 1978, respectively.

5. 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,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-19542 Filed 7-14-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HUNTING

Opening of Mingo National Wildlife Refuge, Missouri, to Waterfowl Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given that it is proposed to add Mingo National Wildlife Refuge, Mo., to the list of refuge areas open to the hunting of migratory waterfowl. The Director has determined that this action would be in accordance with the provisions of all laws applicable to the area, would be compatible with the principles of sound wildlife management, would otherwise be in the public interest, and that such use is compatible with the management objectives established for the refuge. Hunting, subject to annual special regulations, will provide additional public recreational opportunities.

DATES: Comments on this proposed rulemaking will be accepted until August 16, 1978.

ADDRESS: Comments may be addressed to the Director, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Donald G. Young, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 202-343-4307.

SUPPLEMENTARY INFORMATION: Gerald L. Clawson, Refuge Manager, Mingo National Wildlife Refuge, P.O. Box V, Puxico, Mo., is the primary author of this proposal. Approximately 6,500 acres on the Mingo National Wildlife Refuge are presently open to squirrel and turkey hunting. The proposed rule would also permit waterfowl hunting on approximately 2,000 acres of the public hunting area. The hunt will be administered by the Missouri Department of Conservation as directed under a cooperative agreement between the State and the U.S. Fish and Wildlife Service.

Maps delineating this area are available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Suite 106, Rockcreek Parkway, North Kansas City, Mo. 64116.

Pursuant to the requirements of § 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)), an environmental assessment has been prepared on this proposal, which is available for public inspection and copying at room 2024, Department of the Interior 18th and C Streets NW., Washington, D.C. 20240, or by mail, addressing the Director at the above address. On the basis of this assessment, the Director has determined that this rulemaking does not constitute a major Federal action significantly affecting the human environment.

The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring the preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Accordingly, it is proposed to amend 50 CFR 32 by the addition of Mingo National Wildlife Refuge as follows:

§ 32.11 List of open areas; migratory game birds.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Dated: July 12, 1978.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc. 78-19603 Filed 7-14-78; 8:45 am]

[4910-62]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Part 27]

[OST Docket No. 56; Notice No. 78-61]

NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Public Hearings

NOTE.—This document originally appeared in the FEDERAL REGISTER for Friday, July 14, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See FR notice 41 FR 32914, August 6, 1976.)

AGENCY: Department of Transportation.

ACTION: Notice of rescheduling of public hearing, scheduling of other public hearings and extension of comment closing date.

SUMMARY: This notice establishes four additional public hearings and reschedules the Washington, D.C., hearing previously scheduled for July 26, 1978, concerning the Department of Transportation proposed regulation for implementing Section 504 of the Rehabilitation Act of 1973. It also extends the comment closing date from September 6, 1978 to October 20, 1978. This action is in response to requests for additional hearings and for further time to comment on the proposed regulation. It will provide greater opportunity for public participation in the development of the final rule.

COMMENT CLOSING DATE: October 20, 1978

FOR FURTHER INFORMATION, CONTACT:

Richard Clark, Regulation and Enforcement, Office of the General Counsel, U.S. Department of Transportation, Washington, D.C. 20590, 202-426-4723.

SUPPLEMENTAL INFORMATION: On Thursday, June 8, 1978, the Department of Transportation (Department) published in the FEDERAL REGISTER (43 FR 25016) a Notice of Proposed Rulemaking (NPRM) to implement section 504 of the Rehabilitation Act of 1973. The preamble to that NPRM set a public hearing on the matter in Washington, D.C., to begin on July 26, 1978, and a public comment closing date of September 6, 1978.

The Department has received requests from the American Public Transit Association, the National Association of Counties, the U.S. Conference of Mayors, National Association of Regional Councils, and the National League of Cities asking that (1) the Washington, D.C., hearing be rescheduled, (2) the comment period, which was scheduled to close September 6, 1978, be extended 90 days, and (3) a series of public hearings be conducted in other cities in addition to Washington, D.C.

Representatives of the Transbus Group and its member American Coalition of Citizens with Disabilities have advised the Department that they too favor additional hearings, that they do not object to the rescheduling of the Washington, D.C., hearing, but that they do not support the time extension.

The Department has determined that public hearings in other cities in addition to Washington, D.C., will afford more opportunity for the public to participate in the development of this rulemaking. In particular, the holding of public hearings in other cities may make it possible for more individuals or groups to provide the Department with valuable information and comments which might not otherwise be available.

For that reason, the Department has decided to hold public hearings in San Francisco, California; Denver, Colorado; Chicago, Illinois; and New York, N.Y., in addition to Washington, D.C. The Department has also decided that the Washington, D.C., hearing should be rescheduled to provide more time for preparation and to allow it to be scheduled in the same time period as the newly planned hearings. The Department is planning to hold these hearings during the first part of September. This will provide the time necessary to set up these hearings. It will also allow the attendees, who may have difficulty in adjusting their schedules on short notice during the summer vacation period, to make necessary plans. To allow a reasonable amount of time to file comments following the public hearings, the Department has also decided to extend the comment closing date until October 20, 1978.

The Department believes that additional hearings and the accompanying extension of the public comment closing date will not unduly delay any final action which the Department may take in this matter.

Accordingly, this Notice postpones the Washington, D.C., hearing date to September 1978, at a specific location and date to be set by a later notice in the FEDERAL REGISTER. By this later notice, the Department also will announce the specific dates and locations of the other public hearings, and changes, if any, to the availability and allocation of travel and per diem money for those wishing to testify. This Notice also extends the public comment closing date until October 20, 1978.

Issued in Washington, D.C., on July 10, 1978.

BROCK ADAMS,
Secretary.

[FR Doc. 78-19362 Filed 7-13-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 25; Notice 26]

CONSUMER INFORMATION REGULATIONS

Uniform Tire Quality Grading

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes modification of the Uniform Tire Quality Grading (UTQG) regulation to require only general tire grading information on the label that must be attached to the tire tread surface and to provide for the use of revised symbols to indicate traction grades. The NHTSA is initiating these proposed modifications in order to reduce the costs of compliance with the regulation and to further consumer understanding of the grading information.

DATES: Comments must be received on or before August 16, 1978. Proposed effective date: Date of publication of the amendments in the FEDERAL REGISTER.

ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Dr. F. Cecil Brenner, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1742.

SUPPLEMENTARY INFORMATION: This notice proposes an amendment of part 575.104, *Uniform Tire Quality Grading* (49 CFR 575.104), which would revise the information required to be printed on the paper label attached to the tire tread surface. Paragraph (d)(1)(i)(B) of the regulation presently requires that the label contain general information describing the tire quality grades for each of the three performance areas. Further, the regulation requires tire labels to contain the actual grades for the tires to which they are affixed.

During the comment period on the agency's recent labeling proposal (Docket No. 25; Notice 21), commenters raised the argument that tire labels containing the actual grades of the tires to which they are affixed cost substantially more than labels containing only general grading information. According to the commenters who addressed this issue, the availability of consumer information would not be diminished by the removal of the actual tire grades from the label, because these grades would still be molded into the sidewall of the tire. Removal of the requirement would permit the same general tire information label to be affixed to any tire.

The NHTSA has considered the consequences of such a modification and tentatively concludes that it would not seriously affect in most instances the ability of the consumer to ascertain easily the grades of the tires he or she intends to purchase. However, the NHTSA invites comments on this matter, particularly as it would effect the purchase of tires at service stations, where tires are displayed on racks, and where the sidewall of the tire is not visible without removing the tire from the rack. To insure that a consumer is made aware of a tire's actual grades, the modified requirements proposed here would specify that the tire label state that the actual tire grades are molded on the sidewall. This would alert the consumer to look to the sidewall for the grading information.

The existing regulation requires the tire to have tire grades printed on the tire label 6 months before they must be molded into the sidewall. To insure the consumer that a tire's grades will appear somewhere on the tire, it is evident that the requirements for tire label grades could not be dropped until the manufacturer has modified its molds so that the tire grades appear on the sidewall. Of course, a manufacturer which re-engraves its molds early without taking advantage of the 6-month phasing should not be penalized. Also, a more convenient transition could be accomplished by the manufacturer if the grades on the label could be deleted as each mold is changed. To accomplish this, the agency proposes a 6-month transition period in which an option permits placement of grades either on the paper label or the sidewall. For those manufacturers who choose not to mold the grades on the tires until the requirements of UTQG become effective, the existing tire label requirement would remain available as a means of supplying the actual grades of a tire.

This notice further proposes to amend part 575.104 by revision of the symbols employed by the standard to represent traction grades. Paragraph (d)(2)(ii) of the regulation presently provides for the use of the symbols **, *, and 0 to indicate the three traction grades. These grading symbols are to be displayed on the tire sidewall and the label attached to the tire tread, as well as in information furnished to consumers in accordance with part 575.6.

The agency has tentatively reached the position that use of the letters A, B, and C instead of **, *, and 0 as traction grading symbols may improve the clarity and utility of the grading information to consumers. The agency believes that the letters A, B, and C inherently connote a hierarchy which may be more meaningful to consumers than the symbols in the present regulation. Conversion to letter grades would make the traction grading symbols consistent with those employed in grading temperature resistence, further simplifying the grading system for the consumer.

The agency tentatively concludes that the conversion to new traction grading symbols proposed here would not interfere with the lead time provided for implementation of the tire quality grading system. The amendment to section 575.104(d)(1)(i)(B) proposed earlier in this notive, which would allow symbols to appear on the paper tread label rather than the tire sidewall during the first 6 months of the standard's effectiveness, will put off the requirement for placement of the new grading symbols in tire molds for 13 months, providing more than enough time for incorporation of the revised symbols.

Since the proposed tread label modification would relieve a restriction, the NHTSA concludes that there should not be additional implementation costs. In fact, the modification could lower costs inasmuch as it may reduce the number of different paper labels to be printed. No increase in costs should occur as a result of the proposed substitution of revised traction grading symbols, since production of molds and labels containing grading symbols has not commenced. Accordingly, a full evaluation of the economic impact of these proposals is not warranted. Also, in view of the proposed amendments, the agency does not consider them to have significant impact as defined in the Department's criteria for internal review.

In consideration of the foregoing, it is proposed that 49 CFR Part 575.104, Uniform Tire Quality Grading, be amended as follows:

1. Section 575.104(d)(1)(i)(B) would be amended to read:

(B) Each tire, except a tire sold as original equipment on a new vehicle, shall have affixed to its tread surface, in a manner such that it is not easily removable, a label setting forth tire grading information in the form illustrated in Figure 2. The label shall also set forth the statement "Treadwear, Traction, and Temperature grades for this tire appear on the sidewall"

except that, in the case of a bias-ply tire manufactured prior to ——— and a bias-belted tire manufactured prior to ———, the manufacturer may, at its option,

(1) Set forth the statement "Treadwear, Traction, and Temperature Resistance grades for this tire appear on the sidewall" or,

(2) Imprint or indelibly stamp the treadwear grade attributed to the tire on the label adjacent to the description of the treadwear grade, and indelibly circle the traction and temperature resistance performance grades attributed to the tire.

2. Section 575.104, paragraphs (d)(1)(ii), (A), (B) and (C) and Figures 1 and 2 would be amended by the deletion of the symbols **, *and O wherever they appear and the substitution of the letters A, B and C respectively.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

In order to avoid interference with the lead time provided for implementation of the UTQG regulation, the comment period for this notice has been limited to 30 days. All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available to the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

The principal authors of this proposal are Dr. F. Cecil Brenner of the Office of Automotive Ratings and Richard Hipolit of the Office of the Chief Counsel.

(Secs. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegations of authority at 49 CFR 1.50 and 501.8).

Issued on July 12, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-19669 Filed 7-14-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR 1066]

[Ex Parte No. MC-105]

SINGLE STATE EXEMPTION—EX-WATER TRAFFIC

Proposed Rulemaking

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule.

SUMMARY: The Interstate Commerce Commission pursuant to its authority under sections 552, 553, and 559 of the Administrative Procedure Act is proposing a regulation that would provide under section 204(a)(4a) of the Interstate Commerce Act, an exemption from regulation to a certain class of motor carriers performing specific motor carrier operations. The class of motor carries must be lawfully engaged in operation solely within a single State. The proposed exemption would apply to the transportation of shipments in interstate or foreign commerce, having a prior or subsequent movement by maritime carrier and moving by motor carrier only within the commercial zone of a port city, or any portion thereof not extending beyond the boundaries of the State in which the port city is located. It is contemplated that adoption of the proposed regulation might promote the national transportation policy and that the considered operations are of such nature, character or quantity so that the proposed exemption thereof might not substantially affect or impair the uniform regulation by the Commission of other carriers engaged in interstate or foreign commerce. Section 204(a)(4A) of the Act authorizes the issuance of a certificate of exemption if these conditions are met.

DATES: Comments must be received on or before September 15, 1978.

ADDRESS: Submit comments to Office of the Secretary, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, 202-275-7292.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 204(a)(4a) of the Interstate Commerce Act permits the Commission:

To determine, upon its own motion, or upon application by a motor carrier, a State board, or any other party in interest, whether the transportation in interstate or foreign commerce performed by any motor carrier or class of motor carriers lawfully engaged in operation solely within a single State is in fact of such nature, character, or quantity as not substantially to affect or impair uniform regulation by the Commission of transportation by motor carriers engaged in interstate or foreign commerce in effectuating the national transportation policy declared in this act. Upon so finding, the Commission shall issue a certificate of exemption to such motor carrier or class of motor carriers which, during the period such certificate shall remain effective and unrevoked, shall exempt such carrier or class of motor carriers from compliance with the provisions of this part, and shall attach to such certificate such reasonable terms and conditions as the public interest may require. At any time after the issuance of any such certificate of exemption, the Commission may by order revoke all or any part thereof, if it shall find that the transportation in interstate or foreign commerce performed by the carrier or class of carriers designated in such certificate shall be, or shall have become, or is reasonably likely to become, of such nature, character, or quantity as in fact substantially to affect or impair uniform regulation by the Commission of interstate or foreign transportation by motor carriers in effectuating the national transportation policy declared in this act. Upon revocation of any such certificate, the Commission shall restore to the carrier or carriers affected thereby, without further proceedings, the authority, if any, to operate in interstate or foreign commerce held by such carrier or carriers at the time the certificate of exemption pertaining to such carrier or carriers became effective. No certificate of exemption shall be denied, and no order of revocation shall be issued, under this subparagraph, except after reasonable opportunity for hearing to interested parties. Where an application is made in good faith for the exemption of a motor carrier under this subparagraph, accompanied by a certificate of a State board of the State in which the operations of such carrier are carried on stating that in the opinion of such board such carrier is entitled to a certificate of exemption under this subparagraph, such carrier shall be exempt from the provisions of this part beginning with the sixtieth day following the making of such application to the Commission unless prior to such time the Commission shall have by order denied such application, and such exemption shall be effective until such time as the Commission, after such sixtieth day, may by order deny such application or may by order revoke all or any part thereof as hereinbefore authorized. In any case, where a motor carrier has become exempt from the provi-

sions of this part as provided in this subparagraph, it shall not be considered to be a burden on interstate or foreign commerce for a State to regulate such carrier with respect to the operations covered by such exemption. Applications under this subparagraph shall be made in writing to the Commission, verified under oath, and shall be in such form and contain such information as the Commission shall be regulations require.

Under the Commission's current rules and regulations, appropriate operating authority is required to transport most traffic having a prior or subsequent movement by water. Even where the transportation consists of local pickup and delivery services performed entirely within a commercial zone or terminal area, operating authority must be held where the local service is provided as part of a through movement in conjunction with a maritime carrier not subject to the Interstate Commerce Act. See *Berry Transport, Inc., Ext.—Containers*, 124 MCC 328, 348-349 (1976); *AAA Transfer, Inc., Ext.—Cargo Containers*, 120 MCC 803, 821 (1974); *Marine Stevedoring Corporation Com. Car. Applic.*, 119 MCC 514, 521 (1974); and *Consolidated Freightways, Inc., Ext.—Seattle, Wash.*, 74 MCC 593, 595 (1958). The common arrangement existing between the maritime and local motor carriers for continuous carriage renders the commercial zone exemption of section 203(b)(8) of the act unavailable. Moreover, since maritime carriers are not subject to part III of the act, they possess no exempt terminal areas under section 202(c)(2). Therefore, motor carriers must possess appropriate authority from this Commission in order lawfully to provide service within the commercial zones of port cities in connection with prior and subsequent traffic movements by maritime carriers.

The Interstate Commerce Act provides exemptions from regulation for various categories of transportation activities. Section 202(c)(2) exempts (except in regard to safety requirements) the transportation of freight in the performance of transfer, collection, and delivery services within a defined terminal area of (1) a railroad or express company subject to part I of the act, (2) a motor carrier subject to part II of the act, (3) a water carrier subject to part III of the act, and (4) a freight forwarder subject to part IV of the act. Furthermore, section 203(b)(7a) provides an exemption for the transportation of persons or property when incidental to transportation by aircraft. However, no regulatory exemption is provided for the transportation by motor, common carrier of traffic having a prior or subsequent movement by maritime carriers. Water carriers subject to the jurisdiction of the Federal Maritime Commission are not accorded the benefit of an exempt terminal area in which motor carriers may conduct local collection and delivery services without regulatory restraints. In the *Consolidated Freightways* case, *supra* at 597, the Commission noted that Congress probably intended to exempt from economic regulation all purely local operations in enacting sections 202(c) and 203(b)(8) of the act, but that the appropriate remedy would lie in additional legislation. The section 204(a)(4a) exemption, however, was not at issue in that proceeding, and the purpose of this proposed rulemaking proceeding is to determine if the proposed regulation might help satisfy any express or implied Congressional intent.

The Commission believes that the proposed exemption expansion might further the national transportation policy. The creation of an exempt area for motor carrier service in connection with the movement of freight by maritime carriers may encourage the growth and development of intermodal transportation service. The Commission has consistently fostered the advancement of intermodal service, see *Marine Stevedoring Corporation Com. Car. Applic.*, 119 MCC 514, 521 (1974), and *Service Transfer, Inc., Contract Carrier Application*, 117 MCC 506, 514 (1972), and the creation of an exemption for exwater traffic might further promote this efficient, coordinated shipping method. The commercial zone boundaries of a port city provide a reasonable and easily recognized terminal area in which the incidental transportation service may be conducted.

However, a special problem exists where the commercial zone of a port city extends beyond the boundaries of a single State, for example the New York, N.Y., commercial zone. The exemption afforded by section 204(a)(4a) is limited to single-State carriers. Therefore, it appears that a carrier operating in two or more States, even if entirely within the commercial zone of a single point, might not be eligible to operate under the proposed exemption. See *West Farms Exp., Common Carrier Application*, 76 MCC 721 (1958), and *Jet Cartage Co., Determination Control, Second Proviso*, 51 MCC 551 (1950). Accordingly, the rules proposed provide that where the commercial zone of a port city extends beyond the boundaries of a single State, the proposed exempt area will be limited to that portion of the commercial zone which lies within the boundaries of the State where the port city is located. In terms of the Port of New York, the proposed exempt area would be confined to that portion of the New York commercial zone within the State of New York and would not embrace any points in New Jersey.

The Commission recognizes that this may cause competitive problems both for motor carriers and port authorities in the effective operation of local freight collection service. In *Commercial Zones and Terminal Areas*, 128 MCC 422, 487 (1976), the Commission noted that the New York and New Jersey port facilities are functionally interchangeable. Freight moving by water common carriers often is consigned simply to the Port of New York. The actual point where the shipment is unloaded, either at a pier in New York City or on the New Jersey side of the harbor, is based on available wharfage or storage space. Therefore, the point where the shipment is readied for local motor carrier transportation is not predesignated and not coordinated with the ultimate delivery point. A shipment moving to a final destination point in New York City, which happens to be unloaded after its water movement at that part of the port facility located in New Jersey, could not be handled by a carrier operating under these proposed rules unless some special consideration is made for this problem.

The Commission suggests several alternatives to deal with the situation. One would be for the Commission to recognize that, only for purposes of these proposed rules, the commercial zone of a port city would be viewed as a single entity entirely within the State where the port city is located. Thus, the exempt zone for the Port of New York to be created by the proposed rules might be considered to extend, coextensively with the New York commercial zone, into portions of New Jersey. This would allow a carrier operating under the proposed exemption to handle all ex-water traffic moving within the commercial zone without regard to the exact pickup and delivery points of the shipment. Comments are requested from interested parties on the feasibility of this approach.

If it is determined that carriers operating in more than one State, even if entirely within a single commercial zone, are not eligible to participate in the proposed exemption, the Commission proposes the following alternative. A simplified certification process for this particular class of carriers might be instituted, similar to the "master certificate" procedure adopted by the Commission in ex parte No. MC 85, Transportation of "Waste" Products for Reuse, 124 MCC 583 (1976), and the "master license" procedure for brokers adopted by the Commission in ex parte No. MC 96, Entry Control of Brokers, 126 MCC 476 (1977). In implementing a "master certificate" approach for multi-State commercial zone operators, the Commission would make a prospective general finding that the public conven-

ience and necessity require the incidental transportation of shipments having a prior or subsequent movement by maritime carrier, and moving by motor carrier only within the commercial zone of a port city. A carrier wishing to operate under the master certificate would be required to submit only a written request for participation in the special certificate and to demonstrate its fitness. Again, the Commission invites comments on this alternative and requests that interested parties submit any other pertinent proposals to deal with this situation.

The proposed exemption may eliminate largely unnecessary Federal regulation over essentially incidental movements of traffic. The pickup and delivery service performed by motor carriers on freight moving between the facilities of a maritime carrier, on the one hand, and, on the other, a point of origin or destination, or a railroad ramp within the port city's commercial zone, is a relatively insignificant part of the total transportation involved especially in regard to foreign commerce.

Additionally, the proposed exemption might equalize the treatment of motor carriers performing collection and delivery services for carriers which are subject to the act and water carriers which are under the jurisdiction of the Federal Maritime Commission.

In light of these anticipated possible benefits resulting from the adoption of the proposed exemption and the relatively incidental nature of the involved movement, we believe the considered operations are of such nature, character, or quantity that the proposed exemption thereof might not substantially affect or impair the uniform regulation by the Commission of other carriers engaged in interstate or foreign commerce, within the meaning of section 204(a)(4a).

Persons interested in commenting on the proposed regulation are invited to file written statements with the Commission. An original and 15 copies (wherever possible) of such statements should be submitted. No oral hearing is contemplated at this time. A copy of this notice shall be deposited in the Office of the Secretary of the Interstate Commerce Commission for public inspection. Statutory notice of the institution of this proceeding shall be given by delivery of a copy of this notice to the Director, Office of the Federal Register, for publication.

This is not a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Proposed regulation 49 CFR 1066 would read as follows:

PART 1066—SINGLE STATE EXEMPTION—EX-WATER TRAFFIC

Sec.
1066.1 Definitions.
1066.2 Transportation by motor vehicle, solely within a single State, of shipments having an immediately prior or subsequent movement by maritime carrier (or at the direction of an NVOCC), exempt.

AUTHORITY: 5 U.S.C. 552, 553, and 559; Sec. 204(a)(4a), Interstate Commerce Act.

§ 1066.1 Definitions.

For the purposes of this part, the following terms and phrases are defined:

(a) "Motor carriers" means carriers by motor vehicle operating solely within a single State.

(b) "Lawfully engaged in operation solely within a single State" means engaged within the boundaries of any State in conformity with applicable State laws.

(c) "Qualified" as used to modify "motor carriers" means those motor carriers lawfully operating in a single State and which are not affiliated with a carrier operating in another State or States.

(d) "Maritime carrier" means a common carrier by water, including a non-vessel operating common carrier (NVOCC), subject to the jurisdiction of the Federal Maritime Commission as defined in the Shipping Act, 1916.

§ 1066.2 Transportation by motor vehicle, solely within a single State, of shipments having an immediately prior or subsequent movement by maritime carrier (or at the direction of an NVOCC), exempt.

It is hereby certified that transportation solely within the commercial zone of a port city, or any portion of such commercial zone not extending beyond the boundaries of the State in which the port city is located, in interstate or foreign commerce, performed by any qualified motor carrier lawfully engaged in operations solely within a single State, of shipments having an immediately prior or subsequent movement by maritime carrier (or at the direction of an NVOCC), is in fact of such nature, character, or quantity as not substantially to affect or impair uniform regulation by the Commission of transportation by motor carriers engaged in interstate or foreign commerce in effectuating the national transportation policy: Provided, however, that if the State in which the motor carrier transportation occurs, makes a determination of the intrastate operating rights of the respective motor carriers, the exemption granted herein shall not be construed as exempting operations in interstate or foreign commerce any more extensive than those corresponding to the respective intrastate authorities granted by the State.

Decided: June 20, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp. Commissioner Murphy dissenting.

NANCY L. WILSON,
Acting Secretary.

COMMISSIONER MURPHY (DISSENTING)

This proceeding represents one more tragic chapter in the recent history of the Interstate Commerce Commission.

In an attempt to deregulate motor transportation, the majority has seized upon the exceptions to the Interstate Commerce Act and has, in effect, made the exception the general rule in contravention of the express statutory provisions of the act and the clearly stated policies of the Congress. Thus, I cannot joint in today's decision for a number of reasons.

At the outset, it would be appropriate to briefly review the Commission's several efforts to promote intermodal transportation in conformity with the act and the national transportation policy.

One of the earliest phases of intermodal operations occurred in the late 1920's when a railroad offered service in the transportation of loaded trailers moving between Chicago, Ill. and Milwaukee, Wis. There were similar experiments in the 1930's by other railroads. But those experiments did not result in the large scale movement of containers. The concept again emerged with full force in the early 1950's [1] and has received a strong impetus and guidance from this Commission. The important rulemaking proceeding, ex parte No. 230,[2] laid a foundation for the rapid expansion of the concept in the succeeding decades. The tremendous volume of traffic moving in trailers or containers can only be roughly estimated by reference to railroad statistics.[3] However, much of that traffic moves in other than joint-line service, motor-rail.[4]

The Commission's efforts to promote intermodal transportation in the motor carrier field has been equally dramatic. See, for example, *Brown Transport Corp., Ext.—Containers*, 126 MCC 684 (1977) which recounts this Commission's specific interests in fostering intermodal transportation as stated at page 712:

This Commission has long recognized that containerization is a progressive innovation

[1] Movement of Highway Trailers by Rail, 293 ICC 93.

[2] *Substituted Service—Piggyback*, 322 ICC 301.

[3] Interstate Commerce Commission, 89th Annual Report to Congress, 1975, page 133.

[4] Section 216(c) of the Act authorizes but does not require the establishment of joint rail-motor rates.

which greatly facilitates intermodal coordination of operations tending towards better and more efficient service which should be encouraged. Cf. *AAA Transfer, Inc., Ext.—Cargo Containers, supra*, at 620. The grants of authority herein represent yet another advance in the development of intermodal maritime-land operations fostered by this Commission, and are thus completely consonant with declared Commission policies.

Despite these broad achievements by the Commission in fostering intermodal transportation through regulatory prodding and direction, the majority would now, without explanation, abandon this endeavor in its ceaseless search for areas to deregulate. I am not in accord with that philosophy. As is evident from the discussion relating to rail and motor intermodal movement of containers, a continuing guidance by the Commission is essential if the concept of containerization in intermodal operations is to achieve its full potential.

The majority relies on section 204(a)(4a) of the act for support of its proposal. But that section must be read not as the general rule but as a specific exception to the remedial statute, the Interstate Commerce Act, and, as such, must be strictly and narrowly construed. See my separate expression, Motor Carrier Operation in the State of Hawaii, 84 MCC 5, 33-39. This principle of strict construction is equally applicable in other areas; approval for the search of a business premises without a warrant is the exception, not the general rule, and must be narrowly construed, *Marshall* v. *Barlow's, Inc.*, U.S. (No. 76-1143, slip opinion, page 6, May 23, 1978); and exceptions ratings higher than the classification are an abnormality which require specific justification, Rules Governing Publication of Exceptions Ratings, 351 ICC 716). Notwithstanding these clear pronouncements, the majority would effectively convert the limited exception in section 204(a)(4a) to a broad general rule in contradiction to the congressional mandate.

The impact of the majority proposal on such matters as the operations of freight forwarders under section 418 of the act, on the operations in the rather extensive commercial zones approved in Commercial Zones and Terminal Areas, 128 MCC 422,[5] and the effect of the proposal on the port equalization policies relating to railroad operations has been given little attention despite the recent adoption of procedures for regulatory analysis. Ex parte No. 350, Improving Commission Regulations, served June 27, 1978; 43 FR 27729-27731, June 26, 1978.

Although great reliance is attached to the "anticipated possible benefits" resulting from the proposed deregulatory steps, there is no consideration of the costs arising from such factors as a decrease in the provision of adequate motor service, section 216(b) of the act, the unquestioned increase in environmental consequences, Implementation—National Environmental Policy Act, 1969, 352 ICC 451; the added burdens to be imposed on "Maritime carriers";[6] or the redelegation of this commission's authority to other persons. I find no basis in the statute to support the latter action.[7]

In light of the views expressed above, I am unable to join in the majority's decision and I respectfully dissent therefrom.

[FR Doc. 78-19884 Filed 7-14-78; 10:13 am]

[5] Where the commercial zone involves a substantial area in two or more States, the majority in recognition of problems posed would add, as an alternative, another inconsistency, i.e., the use of a master certificate similar to that in ex parte No. MC 85, Transportation of "Waste" Products for Reuse, 124 MCC 583. This would, in effect, create an exception to an exception.

[6] The definition proposed for "Maritime Carriers" herein may not be in accord with that arising out of Uniform System of Accounts for Maritime Carriers, 349 ICC 636.

[7] See, *United States* v. *Scrap*, 412 U.S. 669 and *Aberdeen & Rockfish R. Co.* v. *Scrap*, 422 U.S. 289.

[4910-60]

Materials Transportation Bureau

[49 CFR Part 191]

[Docket No. OPS-49; Notice 2]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Leak Reporting Requirements; Extension of Comments Period

NOTE.—This document originally appeared in the FEDERAL REGISTER for Tuesday, July 11, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See CFR notice 41 FR 32914, August 6, 1976.)

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for comment to the notice published June 5, 1978 (43 FR 24478), from July 10, 1978, until August 10, 1978.

DATE: Comments must be received on or before August 10, 1978.

ADDRESS: Comments should identify the docket and notice number and be submitted in triplicate to the Docket Section, Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590. Comments are available at MTB's Docket Room 6500.

FOR FURTHER INFORMATION CONTACT:

A. O. Garcia, 202-426-2082.

SUPPLEMENTARY INFORMATION: Requests for an extension of time were submitted by the American Gas Association (AGA), the American Society of Mechanical Engineers (ASME), and the New York Gas Group (NYGG). The AGA and the ASME requested that the comment period be extended to August 10, 1978, while the NYGG requested that the deadline for response be extended for a period of 60 days until September 10, 1978. The requests argued that a document of this importance and detail requires more than the 30 days allotted in notice 1. It is also argued that preliminary study of the proposed revision of the various leak reporting forms introduces questions of substance going far beyond editorial or technical changes.

The MTB has decided that in light of the advance participation by interested groups in development of the revised forms, as discussed in the notice, a reasonable extension of the comment closing date is 30 days from the existing (July 10, 1978) date and the comment period is hereby extended to August 10, 1978. Late filed comments will be considered as far as practicable. The MTB does not anticipate that this extension will result in any extension of the effective date of the proposed revised individual leak and annual report forms.

(Sec. 3, Pub. L. 90-481, 82 Stat. 721 (49 U.S.C. 1672); for offshore gathering lines, Sec. 105, Pub. L. 93-633, 88 Stat. 2157 (49 U.S.C. 1804); 49 CFR App. A of Part 1 and App. A of Part 102.)

Issued in Washington, D.C. on July 7, 1978.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc. 78-19186 Filed 7-7-78; 4:01 pm]

notices

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.

[3410-16]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

SULLIVAN TRAIL VEGETATIVE TREATMENT R.C. & D. MEASURE, NEW YORK

Intent Not to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality guidelines (40 CFR Part 1500); and the Soil Conservation Service guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sullivan Trail vegetative treatment R.C. & D. Measure, Schuyler County, N.Y.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert L. Hilliard, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include preparing seedbeds and applying lime, fertilizer, seed, and mulch to 4 acres of roadbank in Schuyler County.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert L. Hilliard, State Conservationist, Soil Conservation Service, U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 771, Syracuse, N.Y. 13260, telephone 315-423-5493. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until August 16, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: July 7, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 78-19525 Filed 7-14-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 78-7-19; Docket 32665 et al.]

CALIFORNIA/SOUTHWEST-WESTERN MEXICO ROUTE PROCEEDING, ET AL.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1978.

Applications of Braniff Airways, Docket 32732; Frontier Airlines, Docket 26761; Pacific Southwest Airlines, Docket 32539 and United Air Lines, Docket 32804.

This proceeding was instituted by Order 78-5-69, May 12, 1978, to consider three new routes contained in the U.S.-Mexico bilateral air transport agreement:

(A.3.) Los Angeles-Mazatlan/Puerto Vallarta/Manzanillo/Zihuatanejo; [1]

(A.4.) Los Angeles/San Diego-Loreto/La Paz/San Jose del Cabo; [2]

(A.5.) Albuquerque, El Paso-Hermasillo, Bahia Kino, Guyamas, Loreto, La Paz, San Jose del Cabo, Mazatlan, Puerto Vallarta, Guadalajara, Manzanillo, Zihuatanejo, Acapulco.[3]

Petitions for reconsideration of the instituting order have been filed by Braniff, Continental, and PSA. Braniff's petition is supported by the San Antonio Parties and opposed by Continental. The Bureau of International Aviation filed a consolidated answer supporting PSA's petition and opposing those of Braniff and Continental.

We have decided to deny the petitions of Continental and Braniff and grant that of PSA. Continental seeks to divide this case into two separate proceedings: a California case (routes A.3. and A.4.) and an Albuquerque/El Paso case (route A.5.). It argues that two smaller cases could be decided more quickly than a single larger one, thereby insuring that a final decision will be reached before the October 1, 1979 deadline for the division of routes A.3. and A.5. We recognize the necessity of completing this case promptly. However, as we noted in the instituting order, consolidation of these three routes in a single hearing will result in a more efficient use of the Board's and the parties' time and resources. We fully expect that, with the cooperation of the parties and the staff, this case will be finally decided before October 1, 1979. We will, therefore, deny Continental's petition.

Braniff seeks to expand the scope of the case to include bilateral route B.1.,[4] on the ground that each of the mexican points on that route is already in issue; a San Antonio-Western Mexico case will involve many of the same beyond-gateway markets as an Albuquerque/El Paso-Western Mexico one; some of the San Antonio markets are foreign flag monopolies while others have no useable service at all; accordingly, an expansion of the case would result in a more efficient use of resources without significantly enlarging the issues or the number of parties involved. To the contrary, we agree with the Bureau that such an expansion could unduly delay and complicate this proceeding and seriously interfere with our announced goal of reaching a decision on the merits now at issue by October 1, 1979. Moreover, the arguments for including route B.1. are equally applicable to several other bilateral routes. Under these circumstances, we will deny Braniff's petition.[5]

PSA has filed a motion to consolidate its application (Docket 32593) for bilateral routes A.3. and A.4. That application also seeks authority, either by section 416(b) exemption or limited

[1] This route may be divided into two routes, provided that any such division does not duplicate the Mexican points, and that the division and carrier designation take place before October 1, 1979.

[2] Routes A.3. and A.4. may be combined among themselves or with route A.1. if the same airline is designated. See Order 78-5-69, footnote 4.

[3] This route may be divided into two routes, each of which would include Albuquerque and El Paso, provided that such division takes place before October 1, 1979, and does not duplicate the Mexican points.

[4] This extends from San Antonio to Loreto, La Paz, San Jose del Cabo, Mazatlan, Puerto Vallarta, and Guadalajara. Nonstop service between San Antonio and Guadalajara may not be instituted until after October 1, 1980.

[5] In light of this action, we will also deny Braniff's motion to consolidate its application for San Antonio-Western Mexico authority.

certification under section 401, to tack San Diego/Los Angeles-Mexico service with PSA's intrastate California operations authorized by the California P.U.C. PSA's petition seeks an expansion of the case to consider the latter request to the extent that such authority is necessary in light of section 401(d)(4)(A)(I).[6] In the event that the Board agrees with PSA's view that no additional authority is needed to allow it to tack intrastate and international authority, there is no need to reconsider order 78-5-69. We prefer to interpret section 401(d)(4)(A)(I) after having the benefit of the parties' views on this question. As the inclusion of this issue will not unduly expand or delay the outcome of the proceeding, we will grant PSA's petition for reconsideration and motion to consolidate.[7]

Finally, United and Frontier have filed motions to consolidate their applications in Dockets 32804 and 26761 into this proceeding. Since the issues in those applications are the same as those in this investigation, we find that their consolidation here will be conducive to the proper dispatch of the Board's business, and will therefore grant these motions.

Accordingly, *it is ordered*, That: 1. Pacific Southwest's petition for reconsideration of Order 78-5-69 is granted and those of Braniff and Continental are denied;

2. The motions to consolidate into Docket 32665 the applications of Frontier (Docket 26761), Pacific Southwest (Docket 32539), and United (Docket 32804) are granted to the extent that they conform to the scope of the issues in this proceeding;

3. Braniff's motion to consolidate its application (Docket 32732) is denied;

4. Ordering paragraph 2 of Order 78-5-69 is amended to add a new subsection (f) to read as follows:

"(f) If Pacific Southwest Airlines, the intrastate carrier which has applied for the authority described in (a) and (b), is selected, should it be permitted to carry these passengers in its operations conducted pursuant to authority issued by the California Public Utilities Commission? What is the appropriate form of such authority under the Federal Aviation Act of 1958, as amended?"; and

5. Except to the extent granted, all applications, petitions, and motions are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:*

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-19639 Filed 7-14-78; 8:45 am]

[6320-01]

[Docket 31298; Order 78-7-11]

SKY WEST AVIATION, INC.

Order Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1978.

By Order 77-3-108, March 18, 1977, and Order 77-6-24, June 7, 1977, we instituted the *Arizona Service Investigation*, Docket 30635, to consider whether, taking into account the possible need for subsidy, the public convenience and necessity require the certification of Cochise Airlines, Inc.[1] to engage in air transportation between and among Page, Kingman, Prescott, Grand Canyon, Yuma, Flagstaff, Lake Havasu City, Winslow, Douglas, Ft. Huachuca/Sierra Vista, Phoenix, Tucson, Ariz., Las Vegas, Nev., and Blythe, El Centro and Los Angeles, Calif.

On July 6, 1977, Sky West Aviation, Inc.[2] filed an application, in Docket 31088, seeking a certificate to provide service between the terminal point Salt Lake City, Utah, the intermediate points Cedar City, and St. George, Utah, and Page, Ariz., and the coterminal points Phoenix, Ariz., and Las Vegas, Nev. Concurrently, it filed a motion to consolidate its application for consideration in the *Arizona Service Investigation*. By Order 77-8-21, August 5, 1977, we granted its motion to consolidate to the extent that its application requested authority among the points already at issue in the *Arizona Service Investigation*. Accordingly, the issues to be considered were modified to include Sky West's proposal for subsidy eligible service in the Page-Phoenix/Las Vegas markets. The statutory fitness of the carrier to perform the proposed certificated air transportation was also placed in issue. To the extent Sky West's application in Docket 31088 was not consolidated into the *Arizona Service Investigation*, it was dismissed without prejudice.

On August 22, 1977, Sky West refiled its application for Salt Lake City-Cedar City/St. George-Page/Las Vegas authority, in Docket 31298. Subsequently, on September 30, 1977, it filed a motion for issuance of an order to show cause why its application should not be granted.[3] Although Sky West is currently serving all the points at issue in its show cause motion with Navajo 9 passenger aircraft, it claims its present single pilot, nonpressurized, non-airconditioned equipment is unsuitable to the terrain of the region. If certificated, it proposes to purchase three Metroliner II aircraft to serve both the northern portion of its system and its proposed Page-Phoenix/Las Vegas routes at issue in Docket 30635. However, the applicant claims that the proposed acquisition of the Metro aircraft would require the support of the Board's subsidy program. Sky West states that its operating proposals in Dockets 31298 and 30635 represent an integrated operating plan. Noting that there are no competing applications for any of the authority requested in Docket 31298, it argues that the Board should issue a show cause order proposing to grant its application for subsidy eligible Salt Lake City-Cedar City/St. George-Page/Las Vegas authority contingent upon favorable Board action on its request for Page-Phoenix/Las Vegas authority in the Arizona Service Investigation.

Answers in support of this motion were filed by the Town of Page, Hughes Airwest and the Utah Parties.[4]

Cochise answered in opposition. It states that section 401 of the Act and Board precedent require a full-blown evidentiary hearing before the initial grant of a certificate. Further, Cochise claims that Sky West's exhibits submitted with its motion in Docket 31298 are not, in any event, sufficient to support a finding that the public convenience and necessity require the grant of the authority requested. Cochise

---

[6] Section 401(d)(4)(A)(I) provides that "Notwithstanding any other provisions of this Act, any citizen of the United States who undertakes, within the State of California * * *, the carriage of persons or property as a common carrier for compensation or hire with aircraft capable of carrying thirty or more persons pursuant to authority for such carriage (i) within the State of California, granted by the Public Utilities Commission of such State * * *, is authorized (I) to establish services for persons or property which includes transportation by such citizen over its routes in California * * * and transportation by an air carrier or foreign air carrier in air transportation * * *."

[7] See Order 77-10-136, October 28, 1977.

* All Members concurred.

[1] Cochise is currently an uncertificated Part 298 carrier serving various points in Arizona, and Las Vegas, Nev.

[2] Sky West, like Cochise, is a 298 airline. It operates largely within Utah, also serving Page, Ariz., and Las Vegas, Nev.

[3] Sky West filed an amendment to its motion on June 6, 1978. Subsequently, the Utah Parties answered in support of the amended motion, and Nevada Airlines filed in opposition. Nevada Airlines also submitted a petition for intervention in any proceeding that may be instituted to consider Sky West's application. Sky West, then, in turn, filed a "reply" to Nevada Airline's petition, accompanied by a motion for leave to file an otherwise unauthorized document. We will dismiss Sky West's motion; its "reply" is, in fact, an answer to Nevada Airline's petition provided for by rule 15(c)(3) of the Board's Rules of Practice.

[4] The State of Utah, the Utah Department of Transportation, the Salt Lake City Corporation, the Salt Lake City Area Chamber of Commerce, the Cedar City Corporation, and the City of St. George. The Utah Parties accompanied their answer with a motion requesting leave to file late. We will grant the motion.

urges that Sky West's motion be denied without prejudice to its renewal after decision in the Arizona Service Investigation. Sky West, in turn, filed a motion to strike Cohise's answer.[5]

On March 1, 1978, and March 6, 1978, the Utah Congressional Delegation, and the Cities of St. George and Cedar City, respectively, filed motions urging the Board to act expeditiously on Sky West's motion for issuance of a show cause order.

We have decided to defer consideration of Sky West's application in Docket 31298, pending the issuance of our final order in the Arizona Service Investigation. The Arizona case has raised several fundamental questions concerning the Board's subsidy and small community service policies.[6] Our answers to these questions might have a substantial bearing upon our attitude toward Sky West's request for subsidized small community authority in Docket 31298. Moreover, as all parties agree, the interrelationship of Dockets 30635 and 31298 goes beyond the paramount policy issues currently being considered in the former docket. The statutory fitness of Sky West to provide certificated service is also being examined in *Arizona*, and Sky West's operating proposal in Docket 31298 is dependent upon it receiving the subsidy eligible Page-Phoenix/Las Vegas authority requested in Docket 30635. Sky West itself concedes that without the Phoenix authority it seeks in *Arizona*, its subsidy need in serving the points in issue in Docket 31298 would be likely to increase dramatically.[7]

We are very sympathetic to the desire of the applicant, the affected small communities and the Utah Congressional Delegation to reach a final decision on Sky West's request for subsidized certification of its system as rapidly as possible. With the final resolution in *Arizona* in hand,[8] we will be in a position to process Sky West's request promptly.[9]

We note that Sky West has filed detailed operational and financial exhibits in Docket 30635 in support of its entire system proposal. In the interest of economy, these direct exhibits will be incorporated by reference into the record of Docket 31298. Accordingly, Sky West is directed to serve these exhibits on all persons listed in the certificate of service attached to its motion to show cause, filed in Docket 31298, that were not previously served in the Arizona Service Investigation. Of couse, Sky West will be permitted to update and revise its *Arizona* exhibits as required. Moreover, our incorporation of its *Arizona* exhibits into the record of Docket 31298 will not foreclose any party from presenting evidence in rebuttal under any procedures we may later adopt for processing Sky West's application.

Finally, Sky West has not submitted sufficient information for us to determine the environmental consequences of its application. Therefore, we will require it to file the information set forth in Part 312 of the Board's Procedural Regulations within 30 days from the date of service of this order.

Accordingly, *it is ordered*, That: 1. Action on the motion of Sky West Aviation, Inc. for show cause order, and the motions of the Utah Congressional Delegation and the Cities of St. George and Cedar City for expedition of Sky West Aviation, Inc. request for show cause order be deferred;

2. The petition of Nevada Airlines, Inc. for leave to intervene be deferred;

3. The motion of the Utah Parties for leave to file an unauthorized document be granted;

4. The motions of Sky West Aviation, Inc. for leave to file an otherwise unauthorized document be dismissed;

5. The motion of Sky West Aviation, Inc. to strike the answer of Cochise Airlines, Inc. be denied;

6. The direct exhibits of Sky West Aviation, In Docket 30635, be incorporated by reference into Docket 31298;

7. Sky West Aviation, Inc. shall serve the direct exhibits referred to in paragraph 5 above upon all persons listed in the certificate of service attached to its motion for show cause order that were not previously served in the Arizona Service Investigation, Docket 30635, within 30 days from the date of service of this order;

8. Sky West Aviation, Inc. shall file an environmental evaluation under section 312.12 of the Board's Procedural Regulations within 30 days from the date of service of this order; and

9. This order shall be served upon all persons listed in the certificate of service attached to the motion of Sky West Aviation, Inc. for show cause order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.*

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-19630 Filed 7-14-78; 8:45 am]

[5] The request to strike Cochise's answer was improperly styled as a "reply to answer of Cochise Airlines, Inc." Skywest accompanied its pleading with a motion to file an otherwise unauthorized document. Since the reply is in effect a motion to strike provided for by rule 18(a) of the Board's Rules of Practice, the motion to file an unauthorized document was unnecessary and will be dismissed. Sky West's motion to strike Cochise's answer will, however, be denied on its merits. Since Cochise is not a competing applicant for any of the authority requested in Docket 31298, Sky West argues that Cochise should not be permitted to object to the processing of Sky West's request for Salt Lake City-Cedar City/St. George-Page/Las Vegas authority by show cause procedures. This argument is rejected. Sky West's motion to show cause seeks, in part, subsidy eligible authority to serve Page—a point at which Cochise proposes subsidized service in the Arizona Service Investigation. Thus, Cochise's interest in the matters in issue in Docket 31298 is direct and substantial.

[6] See Order 78-5-42, May 8, 1978.

[7] See Amendment No. 1 to Motion of Sky West Aviation, Inc. for Show Cause Order, Docket 31298, pp. 2-3.

[8] The Arizona Service Investigation is at an advanced procedural stage. Briefs to the Board have been filed, and oral argument has been heard.

[9] By Regulation PDR-54, April 18, 1978, we have proposed to dispense with oral evidentiary hearings where possible to expedite hearing procedures in route and rate cases. See also, Philadelphia-Bermuda Nonstop Proceeding, Order 78-6-22, June 1, 1978.

* All members concurred.

[3510-03]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-617]

AERON MARINE SHIPPING CO., ET AL

Multiple Application

In the matter of Aeron Marine Shipping Co., Aries Marine Shipping Co., Aquarius Marine Co., Worth Oil Transport Co., American Shipping, Inc., Pacific Shipping, Inc., Atlas Marine Co. (The foregoing companies are herein referred to as the Berger Group); Apollo Marine Co., Artemis Marine Co.

Notice is hereby given that Apollo Marine Co. and Artemis Marine Co., in connection with applications for operating-differential subsidy filed on May 9, 1978, have requested written permissions under section 805(a) of the Merchant Marine Act, 1936, as amended, for the operation of the vessel *Aquila* in the U.S. domestic trades. The *Aquila* is bareboat subchartered by Ecological Shipping Corp., which has entered into a management agreement with Aquila Shipping Co., Inc. (Aquila), for the management of the *Aquila*. Aquila is an affiliate of both Apollo and Artemis. A Notice was published in the FEDERAL REGISTER of June 14, 1978, requesting comments on other 805(a) aspects of the Apollo and Artemis applications for operating-differential subsidy.

Notice is hereby also given that the Berger Group of companies, parties to long-term operating-differential subsidy agreements, have filed a joint application requesting written permission pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended, for the intended periodic operation

of two Catug OBO vessels in the U.S. coastwise or intercoastal trade. The Catug OBO vessels will be owned by Apollo Marine Co. and Artemis Marine Co., affiliates of the Berger Group. Each vessel will be built in the United States without construction-differential subsidy.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in the applications and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the applications must, by close of business on July 19, 1978, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By order of the Assistant Secretary for Maritime Affairs.

Dated: July 12, 1978.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-19665 Filed 7-14-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Public Meeting

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., appendix I, notice is hereby given of a joint meeting of the North Pacific Fishery Management Council, established by section 302, and its Scientific and Statistical Committee (SSC), and its Advisory Panel (AP), established by section 302(g), of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and separate meetings of the SSC and AP.

DATES: The SSC and AP will meet separately on August 23, 1978. The SSC will meet at 10 a.m. and the AP will meet at 9 a.m. The Council and its SSC and AP will meet jointly on August 24 and 25, 1978, at 8:30 a.m., and adjourn at approximately 5 p.m. The meetings may be extended or shortened depending upon progress on the agenda.

ADDRESS: On August 23 the SSC will meet in the Council offices, Suite 32, 333 West 4th Avenue, Post Office Mall Building, Anchorage, Alaska. On the same day the AP will meet in the Resolution Room of the Captain Cook Hotel, 5th and K Streets, Anchorage, Alaska. On August 24 and 25 the Council and its SSC and AP will meet jointly in the Resolution Room of the Captain Cook Hotel, 5th and K Streets, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTRACT:

Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510; 907-274-4563.

SUPPLEMENTARY INFORMATION: All Council, SSC and AP meetings will be open to the public. For information on seating arrangements, changes to the agenda, and/or written comments, contact the Executive Director.

Proposed Agenda:

AUGUST 24, 1978

(1) Executive Director's Report and other Council administrative business; (2) Reports from Scientific and Statistical Committee and Advisory Panel; (3) Progress Report and update from the Council's Drafting Management Planning Teams; (4) Period for public comment; (5) Review of foreign fishing activities.

AUGUST 25, 1978

(1) Discussions of management plans: High Seas Salmon Fishery Off the Coast of Alaska East of 175° E. Longitude; Bering Sea Clam Fishery; King Crab; Bering Sea Groundfish Fishery; Tanner Crab Off Alaska 1978; Gulf of Alaska Groundfish Fishery during 1978; Bering Sea Shrimp Fishery; and (2) Other Council business.

Dated: July 12, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-19567 Filed 7-14-78; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

PRIVACY ACT OF 1974

Amendment of Record Systems

AGENCY: Department of the Army, DOD.

ACTION: Notice of amendments to record systems.

SUMMARY: The Army proposes to amend 18 systems of records. Following specific changes to the systems being amended, the systems are published in their entirety.

DATES: These systems shall be amended as proposed without further notice on August 16, 1978, unless comments are received on or before August 16, 1978, which would result in a contrary determination.

ADDRESS: Send comments to The Adjutant General, Department of the Army, ATTN: DAAG-AMR-R, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT:

Mr. Guy B. Oldaker, Administrative Management Directorate, The Adjutant General Center, Department of the Army, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20314, telephone 202-693-0973.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices as prescribed by the Privacy Act of 1974, 5 U.S.C. 552a(o), Pub. L. 93-579, have been published in the FEDERAL REGISTER as follows:

FR Doc. 77-28255 (42 FR 50396) September 28, 1977.
FR Doc. 77-32975 (42 FR 59099) November 15, 1977.
FR Doc. 78-1855 (43 FR 3151) January 23, 1978.
FR Doc. 78-9239 (43 FR 14713) April 7, 1978.
FR Doc. 78-9713 (43 FR 15353) April 12, 1978.
FR Doc. 78-17146 (43 FR 26606) June 21, 1978.
FR Doc. 78-17737 (43 FR 27882) June 27, 1978.
FR Doc. 78-18880 (43 FR 29600) July 10, 1978.

The proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the act which re-

quires the submission of a new or altered system report.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarter Services, Department of Defense.

JULY 12, 1978.

AMENDMENTS

AO225.11fDAPC

System name: 225.11 Enlisted Year Group Management File (42 FR 50442) September 28, 1977.

Changes:

System name: Add "/RETAIN" to name.

Categories of records in the system: To AUTOMATED:, after "year group", add "name, Security Investigation Status (SIS), terms reenlisted."

Contesting record procedures: Delete entry and substitute the following: "The department rules for contesting contents and appealing initial determinations may be obtained from USA Military Personnel Center (DAPC-MSO), 200 Stovall Street, Alexandria, Va. 22332."

AO501.08eUSACIDC

System name: 501.08e Informant Register (42 FR 50481) September 28, 1977.

Changes:

System location: Delete "2d and S Streets SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Categories of individuals covered by the system: Change the word "information" to "informants".

System manager(s) and address: Delete "2d and S Streets SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Notification procedure: Delete "2d and S Streets, SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Record access procedures: Delete "2d and S Streets SW., Washington, D.C. 20318" in the first and second paragraphs and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

AO508.04USACIDC

System name: 508.04 U.S. Army Criminal Investigation Fund Vouchers (42 FR 50492) September 28, 1977.

Changes:

System location: Delete "2d and S Streets SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Categories of individuals covered by the system: Change "015 contingency funds" to ".015 * * *".

System manager(s) and address: Delete "2d and S Streets SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Notification procedure: Delete "2d and S Streets SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Record access procedures: Delete "2d and S Streets SW., Washington, D.C. 20318" in the first and second paragraphs and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

AO508.07aUSACIDC

System name: 508.07 Criminal Investigation Accreditation Files (42 FR 50493) September 28, 1977.

Changes:

System location: Delete "2d and S Streets SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete "Military Intelligence Command," and substitute "USA Intelligence and Security Command,".

System manager(s) and address: Delete "2d and S Streets SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Notification procedure: Delete "2d and S Streets SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Record access procedures: Delete "2d and S Streets SW., Washington, D.C. 20318" in the first and second paragraphs and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

A0508.11aUSACIDC

System name: 508.11 Criminal Investigation and Crime Laboratory Files (42 FR 50494) September 28, 1977.

Changes:

System location: In the paragraph beginning "Decentralized Segments", delete "U.S. Army Military Personnel Center (MILPERCEN), 200 Stoval Street, Alexandria, Va." and add "and * * *".

Safeguards: Delete "MILPERCEN * * * authorized personnel."

System manager(s) and address: Delete "2nd and S Streets, SW., Washington, D.C. 20018" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Notification procedure: Delete "2nd S Streets SW., Washington, D.C. 20018" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Record access procedure: Delete "2nd and S Streets SW., Washington, D.C. 20018" in the first and second paragraphs and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

A0508.11bUSACIDC

System name: 508.11b Criminal Information Reports and Cross Index Card Files (42 FR 50495) September 28, 1977.

Changes:

System location: Delete "2nd and S Street SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

System manager(s) and address: Delete "2nd and S Streets, SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Notification procedure: Delete "2nd and S Streets, SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Record access procedure: Delete "2nd and S Streets, SW., Washington, D.C. 20318" in first and second paragraphs and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

A0508.11cUSACIDC

System name: 508.11c Special Agent Evaluation Files (42 FR 50496) September 28, 1977.

Changes:

System location: Delete "2nd and S Streets, SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

System manager(s) and address: Delete "2nd and S Streets, SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Notification procedure: Delete "2nd and S Streets SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Record access procedure: Delete "2nd and S Streets, SW., Washington, D.C. 20318" in first and second paragraph and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

A0508.25aUSACIDC

System name: 508.25a Index to Criminal Investigative Case Files (42 FR 50498) September 28, 1977.

Changes:

System manager(s) and address: Delete "2nd and S Streets, SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Notification procedure: Delete "2nd and S Streets, SW., Washington, D.C. 20318" and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

Record access procedure: Delete "2nd and S Streets, SW., Washington, D.C. 20318" in first and second paragraphs and substitute "5611 Columbia Pike, Falls Church, Va. 22041."

A0509.19aDAPE

System name: 509.19 Military Police Investigator Certification Files (42 FR 50502) September 28, 1977.

Changes:

System location: Delete first paragraph. Substitute: "Primary System:

Record files pertaining to individual certification actions are maintained at U.S. Army Military Personnel Center (DAPC-EPM-L), 200 Stovall Street, Alexandria, Va. 22332."

Notification procedure: Delete "See exemption". Substitute: "Requests should be addressed to Deputy Chief of Staff for Personnel, HQDA (DAPE-HRE), Washington, D.C. 20310."

Record access procedures: Delete "See exemption". Substitute: "Requests should be addressed to Commander, U.S. Army Military Personnel Center (DAPC-EPM-L), 200 Stovall Street, Alexandria, Va. 22332."

Contesting record procedures: Delete "See exemption". Substitute: "Requests should be addressed to Deputy Chief of Staff for Personnel, HQDA (DAPE-HRE), Washington, D.C. 20310."

A0702.08aDASG

System name: 702.08 Army Medical Procurement Applicant Files (42 FR 50516) September 28, 1977.

Changes:

System location: After "Decentralized Segments:" delete entry and substitute the following: "AMEDD Procurement Counselor Field Offices in the following locations: Cutler Army Hospital, Fort Devens, Mass. 01433; U.S. Post Office Building, 135 High Street, Hartford, Conn. 06103; Room 1271, Federal Building, 100 South Clinton Street, Syracuse, N.Y. 13202; 160 North Franklin Street, Hempstead, N.Y. 11550; Building 5515, Room 309 and 316, Fort Dix, N.J. 08640; Federal Office Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222; Forest Glen Section, Walter Reed Army Medical Center, Washington, D.C. 20012; Federal Office Building, 400 North 8th Street, Richmond, Va. 23240; 3555 Maguire Boulevard, Bennington Building, Suite 250, Orlando, Fla. 32803; Federal Building, 310 New Bern Avenue, Suite 310, P.O. Box 27524, Raleigh, N.C. 27611; 200 East Liberty Street, Ann Arbor, Mich. 48107; Building 67, Columbus Support Facility, 530 Buckingham Street, Columbus, Ohio 43215; Headquarters U.S. Army Forces Command, Fort McPherson, Ga. 30330; Building 142, Room 345, Fort Sheridan, Ill. 60037; 144 Elk Place, Suite 1504, New Orleans, La. 70112; Federal Office Building, 515 Rusk Avenue, Room 5122, Houston, Tex. 77002; Brooke Army Medical Center, ATTN: AFZG-MDZ-PP, Fort Sam Houston, Tex. 78234; Federal Office Building, 1100 Commerce Street, Dallas, Tex. 75202; U.S. Army Recruiting Main Station, 12th and Spruce Streets, St. Louis, Mo. 63102; U.S. Army Medical Department Activity, Building 268 (Dodge Hall), Fort Leavenworth, Kans. 66027; American Red Cross Building, Box 327, Fitzsimons Army Medical Center, Denver, Colo. 80240; Building 5, Fort Douglas, Utah 84110; Building 138, Room 116, Naval Support Activity (Sand Point), Seattle, Wash. 98115; Building 654, Presidio of San Francisco, San Francisco, Calif. 94129; 1600 North Broadway, Suite 210, Santa Ana, Calif. 92706; U.S. Army Medical Command, Europe, APO New York 09102; Tripler Army Medical Center, ATTN: HSCT-PD-P, TAMC, Hawaii 96859.

Categories of individuals covered by the system: After "U.S. Army Reserve" delete remainder of sentence.

Categories of records in the system: Delete entry and substitute therefor: "Interview sheets; counselor evaluations; letters of recommendation; selection/nonselection letters; Special Orders; all correspondence to and from applicant; Selection Board/Committee results; Statement of Interests; Objectives and Motivation; U.S. Army Reserve Components Personnel and Administration Center Transcript; Officer Procurement Data System Coding Sheet."

Retention and disposal: Delete first sentence and substitute therefor: "File folders and control cards are maintained until the end of the year in which all actions pertaining to the individual are completed, plus one year, and destroyed. * * *"

A0715.01aDAPC

System name: 715.01 Personnel Data Card and Locator Card Files (42 FR 50551) September 28, 1977.

Changes:

System name: Delete "and Locator Card Files".

A0715.06aDAPC

System name: 715.06a Field Military Personnel Information System—SIDPERS, PERMACAPS, AAPERS (42 FR 50552) September 28, 1977.

Changes:

System name: Delete "PERMACAPS, AAPERS".

System location: After "SIDPERS" delete remainder of sentence.

Record access procedures: After "military personnel office", insert "(MILPO)".

Contesting record procedures: Delete entry in parenthesis and substitute therefor: "(DAPC-MSO)".

A0715.07cUSFK

System name: 715.07 Command Unique Personnel Information Data System (CUPIDS) (42 FR 50553) September 28, 1977.

Changes:

Categories of records in the system: Change the last sentence of the second paragraph to read: "It consists of a record of exchange catalog sales and purchases made by authorized shoppers in the exchange system, class VI stores, and commissaries in the ROK."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: After the words "Produce a list of", insert: "suspected violators of the ration control authorizations set for retail facilities in the ROK. Produce a list of exchange catalog sales shipped into the ROK * * *".

Record source categories: Add: "orders made through exchange catalog sales."

A0728.01DAPC

System name: 728.01 Retired Personnel Data File (42 FR 50567) September 28, 1977.

Changes:

ID: Delete A0728.01DAPC and substitute therefor: "A0708.01 DAAG".

System location: Delete entry following "Primary System:" and substitute therefor: "The Adjutant General Center, 1000 Independence Avenue SW., Washington, D.C. 20314." Add new paragraph as follows: "Decentralized segments: U.S. Army Military Personnel Center (USAMILPERCEN), 200 Stovall Street, Alexandria, Va. 22332; Army commands/installations operating retiree councils and/or service activities."

Categories of records in the system: Amend last sentence to read: "File is maintained on magnetic tape for output to microfiche for manual video use."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete "USAMILPERCEN" and substitute: "The Adjutant General Center".

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Delete "Microfilm" and substitute therefor: "Microfiche".

Safeguards: Delete "Microfilm" and substitute: "Microfiche".

System manager(s) and address: After "Commander," delete remainder and substitute: "The Adjutant General Center, 1000 Independence Avenue SW., Washington, D.C. 20314."

Notification procedure: After "Commander," delete remainder and substitute the following: "The Adjutant General Center, 1000 Independence Avenue SW., Washington, D.C. 20314."

Record access procedures: Following "HQDA", delete remainder of sentence and substitute therefor: "(DAAG-PER), 1000 Independence Avenue SW., Washington, D.C. 20314."

In the third paragraph, delete "USAMILPERCEN" and substitute: "The Adjutant General Center."

Contesting record procedures: Following "HQDA", delete remainder of

sentence and substitute therefor: "(DAAG-ARM), 1000 Independence Avenue SW., Washington, D.C. 20314."

A0810.10aDAEN

System name: 810.10 Military Construction Training Files (42 FR 50573) September 28, 1977.

Changes:

Notification procedure: Delete entry and substitute the following:

"Information may be obtained from: Chief of Engineers, ATTN: DAEN-MCC-E, Department of the Army, Washington, D.C. 20314, telephone 202-693-1310."

A0917.10aDAAG

System name: 917.10 Child Protection Case Management Files (42 FR 50590) September 28, 1977.

Changes:

Retention and disposal: Delete parenthetical sentence.

A1012.03iDLI

System name: 1012.03 Individual Academic Records File (42 FR 50612) September 28, 1977.

Changes:

System name: Delete "Individual Academic Records File" and substitute: "Standardized Student Records System."

System location: After "Defense Language Institute," add "Foreign Language Center (DLIFLC),".

Categories of individuals covered by the system: Change "DLI" to read "DLIFLC."

Categories of records in the system: Change "DLI" to read "DLIFLC".

Routine uses of records maintained in the system, including categories of users and purposes for such uses: Change "DLI" to read "DLIFLC".

System manager(s) and address: Change "DLI" to read "DLIFLC".

Notification procedure: After "Defense Language Institute," add: "Foreign Language Center".

Record access procedures: After "Defense Language Institute," add: "Foreign Language Center,".

Record source categories: Change "DLI FORM 90" to read "DLIFLC FORM 90".

A1511.01aDAPE

System name: 1511.01 Army Housing Files (42 FR 50654) September 28, 1977.

Changes:

Categories of records in the system: Delete so much of the first paragraph as reads "(less discriminatory)".

A0225.11fDAPC

System name:

225.11 Enlisted Year Group Management File/RETAIN.

System location:

Department of the Army, United States (U.S.) Army Military Personnel Center (DAPC-EP).

Categories of individuals covered by the system:

Active duty members of the U.S. Army in enlisted grades of E1 through E9 and former military personnel who are applicants for enlistment.

Categories of records in the system:

AUTOMATED: File contains control number, reclassification/enlistment action, type of enlistment, social security number (SSN), pay grade, race, sex, basic active service date, estimated termination of service, reenlistment date, civilian education, career management field, primary military occupational specialty (PMOS), PMOS evaluation score, new career management file (CMF), new PMOS, date of award of new PMOS, source of new PMOS, personnel charged to school code, status of application, assignment code, date of last status change, current location, year group, name, Security Investigation Status (SIS), terms reenlisted.

MANUAL: File contains name, control number, reclassification/enlistment action, type of enlistment, SSN, pay grade, race, sex, basic active service date, estimated termination of service, Armed Forces Qualification Test Score, civilian education, promotion list status, reenlistment bonus status, security clearance, marital status, reenlistment date, physical profile status with code, career counselor with location, pay entry basic date, current/last oversea area, date eligible to return from overseas, date departed United States, waiver required, citizenship status, aptitude area scores, school/assignments requested, assignment confirmation, orders information.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301.
Title 10 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Department of the Army-Records are used for personnel management, year group management and manpower management.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored on computer magnetic tapes and disk and as paper records in file folders.

Retrievability:

Normal access is by name, SSN, control number or other individual characteristics.

Safeguards:

Physical security devices, guards, computer hardware and software safeguard features and personnel clearances for individuals working with the system.

Retention and disposal:

Computer tapes are cut off annually, and are retained up to 5 years; hard copy files are cut off annually and retained up to 2 years.

System manager(s) and address:

Commander, U.S. Army Military Personnel Center, 200 Stovall Street, Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from Headquarters, Department of the Army, U.S. Army Military Personnel Center (DAPC-EP), Hoffman Building I, 2461 Eisenhower Avenue, Alexandria, Va. 22331.

Record access procedures:

Written requests for information should contain the full name of the requester, SSN, current or former military status and appropriate return address. Personal visits may be made to the U.S. Army Military Personnel Center; individuals should be able to provide their military service identification and DD Form 2A for active duty personnel, or other commonly acceptable means of identification used in normal transaction of business.

Contesting record procedures:

The department rules for contesting contents and appealing initial determinations may be obtained from USA Military Personnel Center (DAPC-MSO), 200 Stovall Street, Alexandria, Va. 22332.

Record source categories:

Information is obtained from the applicant, Department of the Army personnel records, computer reports and from other Department of the Army organizations and stations.

Systems exempted from certain provisions of the act:

None.

A0501.08eUSACIDC

System name:

501.08e Informant Register.

System location:

primary System: Operations Directorate, Headquarters (HQ), U.S. Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, Va. 22041.

Decentralized Segments: USACIDC subordinate elements which exercise local adminstrative and technical con-

trol of informants: official mailing addresses are in the Department of Defense directory in the Appendix.

Categories of individuals covered by the system:

All individuals, civilian or military, who are utilized as informants by USACIDC elements. "Casual" informants, persons who walk in on a one time basis, are not documented at HQ, USACIDC primary system.

Categories of records in the system:

Files contain indexed code numbers; name, race, military occupational specialty (MOS), sex, date and place of birth, home of record, educational level, area of utilizaton, civilian employment, handler, letters, vouchers, personal history, performance, citizenship, marital status, physical descriptions, criminal history, expertise, talents, actions taken and other related personnel data.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Operations Directorate, HQ USACIDC, and the operational field elements of USACIDC; to monitor performance and reliability, to check the utilization of informants by subordinate USACIDC elements when the informant has been transferred, to maintain an accounting of expenditures connected with the informant, to answer Congressional inquiries concerning misuse or mistreatment of informants or those who claim they were not informants, and to document fear-of-life transfers for military personnel informants

Information concerning USACIDC informants is provided to the below listed agencies, components, or bureaus for the purposes of criminal investigative liaison and enforcement of criminal laws, civil court or administrative action for the identification and correction of situations indicative of criminal activity, analyzing modus operandi, and detection of organized criminal activity:

Department of Defense staff and subordinate elements.

Department of the Army staff, major commands and subordinate elements.

Department of the Air Force staff, major commands and subordinate elements

Department of the Navy staff, major commands and subordinate elements.

U.S. Congress.

U.S. Immigration and Naturalization Bureau.

Department of Justice.

Federal Bureau of Investigation.

National Security Agency.

U.S. Secret Service.

U.S. Marshal Service.

U.S. Postal Service.

Department of the Treasury.

Internal Revenue Service.

Alcohol, Tobacco, and Firearms—Department of Treasury.

U.S. Customs.

U.S. Department of State.

Interpol.

Central Intelligence Agency.

Drug Enforcement Administration.

Council of Governments, Washington, D.C. Metropolitan Area.

Defense Supply Agency.

Defense Investigative Service (DIS): in addition, limited data are supplied for use in the Defense Central Index of Investigations which is managed by DIS.

Naval Investigative Service.

Office of Special Investigations.

Civil Service Commission.

Federal Aviation Administration.

Department of Agriculture.

Defense Communications Agency.

Defense Securfty Agency.

Defense Nuclear Agency.

Law Enforcement Assistance Association.

Federal Prison Service.

U.S. Coast Guard.

U.S. Department of Transportation.

Social Security Administration.

Selective Service Commission.

U.S. Department of Commerce.

Food and Drug Administration.

Agency for International Development.

U.S. Park Police.

U.S. Capitol Police.

Executive Protective Services.

U.S. Department of Labor.

Federal Communications Commission.

Federal Deposit Insurance Corporation.

Federal Trade Commission.

General Accounting Office.

General Services Administration.

U.S. Department of the Interior.

Interstate Commerce Commission.

Securities and Exchange Commission.

Housing and Urban Development.

U.S. Marines.

Defense Intelligence Agency.

Defense Mapping Agency.

Defense Security Assistance Agency.

Defense Civil Preparedness Agency.

Defense Advance Research Project.

Defense Contract Audit Agency.

Foreign nations under the provisions of Status of Forces Agreements, Treaties, or formal or informal executive agreements; or for purpose of criminal investigative liaison.

Various state and local criminal law enforcement units, departments, or agencies.

Criminal law enforcement means any activity pertaining to crime prevention, control, or reduction or enforcement of the criminal law, including, but not limited to, police effort to prevent, control or reduce crime, or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of correction, probation or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card files and paper records in file folders.

Retrievability:

Records are retrieved by the individual's name, military occupational specialty (MOS), or code number.

Safeguards:

HQ USACIDC buildings employ security guards; files are stored in locked containers during nonduty hours and are accessible only by the Informant Register Officer and an alternate.

USACIDC subordinate elements generally maintain a 24-hour duty officer, store the files in locked containers during nonduty hours and permit access only by Field Office Commander and the individual informant handler.

Retention and disposal:

Three years, or permanent.

System manager(s) and address:

Commander, Headquarters, U.S. Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, Va. 22041.

Notification procedure:

Information may be obtained from: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, Va. 22041.

Record access procedures:

Requests from individuals should be addressed to: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, Va. 22041.

Written request for information should contain the full name of the individual, address, date of birth. Personal visits should be made to: Office of the Staff Judge Advocate—Release of Information, USACIDC, 5611 Columbia Pike, Falls Church, Va. 22041.

For personal visits, the requesting individual must present positive identification, such as a driver's license or other identification card with a photograph, in addition to the information required for written requests.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and

appealing initial determinations may be obtained from the SYSMANAGER, Attention: CIJA-RI.

Record source categories:

The military personnel records if the informant is in the military, or the civilian personnel records if the person is a civilian employee.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k), as applicable. For additional information, contact the System Manager.

A0508.04USACIDC

System name:

508.04 U.S. Army Criminal Investigation Fund Vouchers.

System location:

Primary System: Comptroller, U.S. Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, Va. 22041.

Decentralized Segments: USACIDC subordinate elements. Official mailing addresses are in the Department of Defense directory in the Appendix.

Categories of individuals covered by the system:

Any special agent of USACIDC or Military Police Investigator (MPI), U.S. Army, who has made expenditures of, or has requested reimbursement from USACIDC limitation .015 contingency funds (described in Army Regulation (AR) 37-47).

Categories of records in the system:

Files contain the USACIDC special agent's or MPI's name, reason for such expenditure, grade, receipts, certificates of expenditure when receipts are unavailable, statements by persons as to the receipt of funds and/or reasons for such payment, or cash advance.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

USACIDC personnel with a need-to-know: to maintain a proper accounting of the expenditure of USACIDC funds.

Department of the Army staff, major commands and subordinates with a need-to-know: to monitor the proper accounting of USACIDC funds.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed by voucher number only at Headquarters (HQ) USACIDC. Filed by the individual's name at USACIDC subordinate levels.

Safeguards:

Subordinate USACIDC elements generally employ 24-hour duty officers and maintain the records in locked buildings. Access is limited to authorized personnel.

HQ USACIDC buildings employ security guards; records are maintained in locked rooms; and access is limited to authorized personnel.

Retention and disposal:

Clothing records are transferred with the USACIDC special agents.

Individual vouchers are destroyed 8 years after the last entry.

System manager(s) and address:

Commander, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, Va. 22041.

Notification procedure:

Information may be obtained from: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, Va. 22041.

Record access procedures:

Requests from individuals should be addressed to: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, Va. 22041.

Written requests for information should contain the individual's full name, address, and date of birth. Personal visits should be made to Office of the Staff Judge Advocate—Release of Information, USACIDC, 5611 Columbia Pike, Falls Church, Va. 22041.

For personal visits, the requesting individual must present positive identification, such as driver's license or other identification card with a photograph, in addition to the information required in written requests.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER, ATTN: CIJA-RI.

Record source categories:

Special agent or MPI, informant, or other persons' statements pertaining to expenditures.

Systems exempted from certain provisions of the act:

None.

A0508.07aUSACIDC

System name:

508.07 Criminal Investigation Accreditation Files.

System location:

Primary System: Accreditation Division, Directorate of Personnel and Administration, Headquarters (HQ), U.S. Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, Va. 22041.

Decentralized Segments: Crime Records Directorate, USACIDC, 2301 Cheaspeake Avenue, Baltimore, Md. 21222; Washington National Records Center, GSA, Suitland, Md. 20409.

Categories of individuals covered by the system:

Any person who makes in application to the USACIDC for acceptance into the USACIDC program as an apprentice special agent; for a warrant officer appointment in USACIDC; for USACIDC supervisor credentials; for the USACIDC officer specialty program; or for USACIDC laboratory technician credentials.

Categories of records in the system:

Files contain the individual's application to USACIDC, a statement of personal history, personal identifiers, photographs, fingerprint cards, qualifications record, biography, information pertaining to assignment capability or location, letters of recommendation, educational documents, character investigation data, reclassification orders, reassignment orders, commander's inquiry data, reports of investigation, reasons for withdrawal from the program, reason for denying the application, date of acceptance into the program, date appointed (if an officer of warrant officer), date of accreditation, badge number, credential number, polygraph certificate number (if a certified polygraph examiner), agent sequence number, assignment, date assigned, marital status, and other data pertaining to the accreditation function, polygraph examiner performance and evaluation data, physical profile, date of last physical, assignment preference, humanitarian transfer restrictions, current job title, date current security clearance authorized, date of last background investigation, primary, secondary, tertiary foreign language capability, special qualifications, service agreement, spouse's place of birth and citizenship, agent's place of birth, agent's last 10 assignments, agent's hobbies, and agent's private licenses.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Staff elements of USACIDC with a need-to-know: to determine an applicant's initial acceptance or nonacceptance into the USACIDC program, and if accepted the individual's continued

eligibility, placement, or standing within the USACIDC program.

U.S.A. Intelligence and Security Command, for storage and utilization in determining security classifications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storge:

Alpha file: paper records in file folders.

Criminal Investigator Information Data Card: vertical card file.

Machine Punch Card System: vertical card file.

Automated data files are maintained on magnetic tapes.

Retrievability:

Alpha Card File, Criminal Information Card, and Machine Punch Card Systems are all retrievable by last name of the individual, agent Sequence number, SSN, badge number, credential number and polygraph number.

Safeguards:

HQ USACIDC buildings employ security guards, material is stored in locked containers during non-duty hours, and is accessible only by authorized personnel.

Crime Records Directorate building employs security guards, data is stored within a locked wire enclosure, and is accessible only by authorized personnel.

Washington National Records Center: buildings employ security guards during non-duty hours, 24 hours intrusion alarms, and locked external doors, and is accessible only by authorized personnel.

Automated records are maintained in a building employing security guards, room and data are accessible only by authorized personnel.

Retention and disposal:

Alpha files; files of approved applicants are retained in the active file until the individual retires, is released from active duty, or is voluntarily or involuntarily removed from the USACIDC program; the file is placed in an inactive storage at HQ USACIDC for the remainder of that year plus two additional years; it is then transferred to the Washington National Records Center where it is stored for eight additional years and then destroyed; files of personnel not accepted into the USACIDC program are retained in inactive storage at HQ USACIDC for the remainder of that year plus one additional year and then destroyed.

Criminal Investigation Information Data Cards are maintained permanently.

Machine Punch Cards are maintained only during such time as the individual is currently in the USACIDC program and are destroyed upon cessation of that status.

Automated data on individuals are maintained while the individual is serving as an investigator and for 90 days after he or she leaves the program.

System manager(s) and address:

Commander, HQ USACIDC, 5611 Columbia Pike, Falls Church, Va. 22041.

Notification procedure:

Information may be obtained from: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, Va. 22041.

Record access procedures:

Requests from individuals should be addressed to: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, Va. 22041.

Written requests for information should contain the full name of the individual, address, date of birth, and whether or not the individual has ever applied for the USACIDC program. Personal visits should be made to: Office of the Staff Judge Advocate-Release of Information, USACIDC, 5611 Columbia Pike, Falls Church, Va. 22041.

For personal visits, the requesting individual must present positive identifiation, such as a driver's license or other identification card with a photograph, in addition to the information required for written requests.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER, ATTN: CIJA-RI.

Record source categories:

Previous or present employers, financial institutions, relatives and former spouses, officer master file and enlisted master file MILPERCEN, educational institutions, trade or fraternal organizations, neighbors past and present, work associates, social acquaintances, churches, public records, current and past commanders, and other investigative departments both within and without the Department of the Army and the Federal Government.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a(j) or (k), as applicable. For additional information, contact the Systems Manager.

A0508.11aUSACIDC

System name:

508.11 Criminal Investigation and Crime Laboratory Files.

System location:

Primary System: Crime Records Directorate, United States Army Criminal Investigation Command (USACIDC), 2301 Chesapeake Avenue, Baltimore, Md. 21222.

Decentralized Segments: Headquarters (HQ), USACIDC and all USACIDC subordinate elements, official mailing addresses are in the Department of Defense directory in the Appendix. Defense Investigative Service, Ft. Holabird, Md., automated index to drug offenders in case files; and automated suspense index on the disposition of offenders in case files.

Categories of individuals covered by the system:

Any individual, civilian or military, involved or suspected of being involved in or reporting possible criminal activity affecting the US Army's interests, property, and/or personnel.

Categories of records in the system:

Files contain names, social security numbers, rank, units, location, date and place of birth, physical descriptions, chronology of events, Action Officer's activity summary, letters, messages, notes; reports of investigation containing witness statements, subject statements, agents' statements, laboratory reports, documentary evidence, polygraph examination reports, physical evidence; summary data and administrative data pertaining to the preparation and distribution of the report; basis for the action (allegations), Serious and Sensitive Incident reports, talking papers, fact sheets, aliases, descriptions, modus operandi, and other investigative information from Federal, State, and local investigative agencies and departments. Indices contain codes for the type of crime, location of investigation, year and date of offense, names and personal identifiers of persons who have been subjects of electronic surveillance, suspects, subjects and victims of crimes, the report number which allows access to the files noted above; agencies, firms, Department of the Army (DA), and Department of Defense (DOD) organizations which were the subjects or victims of criminal investigations; and disposition and suspense of offenders listed in criminal investigative case files, witness identification date.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

HQ USACIDC and all USACIDC subordinate elements: to accomplish the USACIDC investigative duties assigned by the DA, to include criminal investigations and crime prevention activities; to accomplish various management functions such as case analysis, statistical compilations, quality control, review to insure that the completed investigations are legally sufficient, and overall improvement in techniques, training and professionalization.

Information concerning criminal or possible criminal activity is provided to the below listed agencies, components, or bureaus for the purposes of criminal investigative liaison and enforcement of criminal laws, civil court or administrative action for the identification and correction of situations indicative of criminal activity, analyzing modus operandi, and detection or organized criminal activity:

DOD Staff and subordinate elements.
DA Staff, major commands and subordinate elements.
Department of the Air Force Staff, major commands and subordinate elements.
Department of the Navy Staff, major commands and subordinate elements.
United States Congress.
U.S. Immigration and Naturalization.
Department of Justice.
Federal Bureau of Investigation.
National Security Agency.
U.S. Secret Service.
U.S. Marshal Service.
U.S. Postal Service.
Department of the Treasury.
Internal Revenue Service.
Alcohol, Tobacco, and Firearms-Department of the Treasury.
U.S. Customs.
U.S. Department of State.
Interpol.
Central Intelligence Agency.
Drug Enforcement Administration.
Council of Governments, Washington, DC Metropolitan Area.
Defense Supply Agency.
Defense Investigative Service (DIS): in addition, limited data are supplied for use in the Defense Central Index of Investigations which is managed by DIS.
Naval Investigative Service.
Office of Special Investigations.
Civil Service Commission.
Federal Aviation Administration.
Department of Agriculture.
Defense Communications Agency.
Defense Security Agency.
Defense Nuclear Agency.
Law Enforcement assistance Association.
Federal Prison Service.
U.S. Coast Guard.
U.S. Department of Transportation.
Social Security Administration.
Selective Service Commission.
U.S. Department of Commerce.
Food and Drug Administration.
Agency for International Development.
U.S. Park Police
U.S. Capitol Police.
Executive Protective Services.
U.S. Department of Labor.
Federal Communications Commission.
Federal Deposit Insurance Corporation.
Federal Trade Commission.
Government Accounting Office.
Government Services Administration.
U.S. Department of the Interior.
Interstate Commerce Commission.
Securities and Exchange Commission.
Military Transportation Major Command.
Housing and Urban Development.
Drug and Alcohol Abuse Directive.
U.S. Marines.
Defense Intelligence Agency.
Defense Mapping Agency.
Defense Security Assistance Agency.
Defense Civil Preparedness Agency.
Defense Advance Research Projects.
Defense Contract Audit Agency.
Veterans Administration.
Foreign nations under the provisions of Status of Forces Agreements, Treaties, or formal or informal executive agreements; or for purpose of criminal investigative liaison.
Various State and local criminal law enforcement units, departments, or agencies.

Criminal law enforcement means any activity pertaining to crime prevention, control, or reduction or enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime, or to apprehend criminals, activities of courts having jurisdiction and related agencies, activities of corrections, probation or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.
Card files and indexes.
Automated indexes.

Retrievability:

Information is retrievable by reference to the name of the individual or other identifier.

Safeguards:

Crime Records Directorate buildings employ security guards, locked wire enclosures, and access is limited to authorized personnel.

HQ USACIDC buildings employ security guards, information is stored in locked containers or rooms during nonduty hours and access is limited to authorized personnel.

Subordinate elements of USACIDC buildings generally employ 24 hour duty officers, store the information in locked containers or rooms, and access is limited to authorized personnel.

Defense Investigative Service: buildings employ security guards, automated system is within a controlled access area, and data are accessible only by authorized personnel.

Retention and disposal:

40 years.

Laboratory reports at the USACIDC laboratory level are destroyed after 3 years.

USACIDC subordinate elements, other than the laboratories and Crime Records Directorate, retain case files for periods ranging from 1 to 5 years depending on the level of such unit and the data involved.

System manager(s) and address:

Commander, HQ USACIDC, 5611 Columbia Pike, Falls Church, Va. 22041.

Notification procedure:

Information may be obtained from: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, Va. 22041.

Record access procedures:

Requests from individuals should be addressed to: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, Va. 22041.

Written requests for information should contain the full name, address, and date of birth. Personal visits should be made at: Office of the Staff Judge Advocate-Release of Information, USACIDC, 5611 Columbia Pike, Falls Church, Va. 22041.

For personal visits, the requesting individuals must present positive identification, such as a driver's license or other identification card with a photograph in addition to the information required in written requests.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER, ATTN: CIJA-RI.

Record source categories:

Suspects, witnesses, victims, USACIDC special agents and other personnel, informants; various DOD, Federal, State, and local investigative agencies;

departments or agencies of foreign governments; and any other individual or organization which may supply pertinent information.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k), as applicable. For additional information, contact SYSMANAGER.

A0508.11bUSACIDC

System name:

508.11b Criminal Information Reports and Cross Index Card Files.

System location:

Primary System: Operations Directorate, Headquarters (HQ), United States Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, Va. 22041.

Decentralized Segments: USACIDC subordinate elements, official mailing addresses are in the Department of Defense (DOD) directory in the appendix to the Department of the Army (DA) systems notices.

Categories of individuals covered in the system:

Any individual, civilian or military, involved or suspected of being involved in or reporting possible criminal activity affecting the U.S. Army's interests, property, and/or personnel.

Categories of records in the system:

Files contain names, social security numbers, rank, units, location, date and place of birth, physical descriptions, chronology of events, action officer's activity summary, letters, messages, notes, reports of investigation containing witness statements, subject statements, agents' statements, laboratory reports, documentary evidence, polygraph examination reports, physical evidence, summary data and administrative data pertaining to the preparation and distribution of the report; basis for the action (allegation), Serious and Sensitive Incident Reports, talking papers, fact sheets, aliases, descriptions, modus operandi, and other investigative information from Federal, State, and local investigative agencies and departments. Indices contain codes for the type of crime, location of investigation, year and date of offense, names and personal identifiers of persons who have been subjects of electronic surveillance, suspects, subjects and victims of crimes, the report number which allows access to the files noted above; agencies; firms, DA and DOD organizations which were the subjects of criminal investigations; and disposition and suspense of offenders listed in criminal investigative case files.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To afford index to criminal information case files that are not indexed in Defense Central Index of Investigations (DCII). These records are utilized to develop investigative leads during the conduct of ongoing Army criminal investigations. This data is released only for U.S. Army Criminal Investigation Division (CID) and Military Police (MP) investigative purposes. Statistics generated by this data are also utilized as a management tool to determine crime trends, frequency, and rates. In the event that information maintained in this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Card file and paper records in file folders.

Retrievability:

Retrievable by name, file number and the field assigned criminal information report number.

Safeguards:

HQ USACIDC buildings employ security guards; information is stored in locked containers during nonduty hours, and access is limited to authorized personnel. Buildings of subordinate elements of USACIDC generally employ 24 hour duty officers, store the information in locked containers and access is limited to authorized personnel.

Retention and disposal:

Permanent, 40 years.

System manager(s) and address:

Commander, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, Va. 22041.

Notification procedure:

Information may be obtained from: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, Va. 22041.

Record access procedures:

Requests from individuals should be addressed to: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, Va. 22041.

Written requests for information should contain the full name, address, and date of birth. Personal visits should be made at: Office of the Staff Judge Advocate—Release of Information, USACIDC, 5611 Columbia Pike, Falls Church, Va. 22041.

For personal visits, the requesting individuals must present positive identification, such as a driver's license or other identification card with a photograph, in addition to the information required in written requests.

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

Record source categories:

Suspects, witnesses, victims, informants, USACIDC special agents and other personnel, various DOD, Federal, State, and local investigative agencies; departments or agencies of foreign governments; and any other individual or organization which may supply pertinent information.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a(j) or (k), as applicable. For additional information, contact the Systems Manager.

A0508.11cUSACIDC

System name:

508.11c Special Agent Evaluation Files.

System location:

Primary System: operations Directorate, Headquarters (HQ), United States Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, Va. 22041.

Decentralized Segments: USACIDC subordinate elements which exercise local administrative and technical control of special agents; official mailing addresses are in the Department of Defense directory in the appendix to the Department of the Army systems notices.

Categories of individuals covered by the system:

All USACIDC special agents, warrant officer and enlisted, who prepare USACIDC reports of investigation (ROI).

Categories of records in the system:

Files contain special agent's name and sequence number; investigative

history, e.g., primary or secondary agent, or whether the special agent inherited the case; office of assignment; year of the ROI, ROI number; type of ROI; offense codes for the ROI; the number of days the ROI covered; determination of whether or not the number of days the ROI covered was justified; name of the field office reviewer; name of the field office approver; disposition status of the ROI; location of the incident; i.e., on post, off post or combination; determination of case difficulty; determination of the special agent's investigative effort; type of administrative deficiencies, if any; and type of investigative deficiencies, if any.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel of HQ USACIDC and all USACIDC subordinate elements with an official need-to-know, to accomplish various management functions such as statistical compilations, quality control and special agent investigative and administrative evaluations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and computer paper printouts.

Retrievability:

Information is retrievable by the name of the individual or other identifier.

Safeguards:

HQ USACIDC buildings employ security guards, information is stored in locked containers or rooms during non-duty hours and access is limited to authorized personnel. Buildings of subordinate elements of USACIDC generally employ 24 hour duty officers, store the information in locked containers or rooms, and access is limited to authorized personnel.

Retention and disposal:

Files are retained for an indefinite period, as the disposition policy has not yet been determined.

System manager(s) and adddress:

Commander, USACIDC, 5611 Columbia Pike, Falls Church, Va. 22041.

Notification procedure:

Information may be obtained from: Commander, USACIDC, ATTN: Dir. Opns., 5611 Columbia Pike, Falls Church, Va. 22041.

Record access procedures:

Requests from individuals should be addressed to Commander, USACIDC, ATTN: Dir. Opns., 5611 Columbia Pike, Falls Church, Va. 22041.

Written requests for information should contain the full name, address, and date of birth. Personal visits should be made to: Director of Operations, USACIDC, 5611 Columbia Pike, Falls Church, Va. 22041.

For personal visits, the requesting individuals must present positive identification, such as a driver's license or other identification card with a photograph in addition to the information required in written requests.

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

Record source categories:

The completed ROI, with all attachments and inclosures, and the objective and subjective analysis by the reviewers.

Systems exempted from certain provisions of the act:

None.

A0508.25aUSACIDC

System name:

508.25a Index to Criminal Investigative Case Files.

System location:

Crime Records Directorate, United States Army Criminal Investigation Command (USACIDC), 2301 Chesapeake Avenue, Baltimore, Md. 21222.

Categories of individuals covered by the system:

Any individual, civilian or military, involved or suspected of being involved in criminal activity affecting the U.S. Army's interests, property, and/or personnel.

Categories of records in the system:

Indices contain codes for type of crime and location of investigation, year, date of crime, names and personal identifiers of offenders and victims of crime and report number.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To afford index to Criminal Investigation Case Files and Military Police (MP) Reporting Files that are not indexed by any other activity. These records are utilized to develop investigative leads during the conduct of ongoing Army criminal investigations. These data are released only for U.S. Army CID and MP investigative purposes. Statistics generated by these data are also utilized as a management tool to determine crime trends, frequency and rates. In the event that information maintained in the system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper card size 3×5 and computer punch cards.

Retrievability:

By name of offender, suspect or victim.

Safeguards:

Contained in a secure area; protected by a locked wire inclosure under 24 hour guard. Access to the files area is controlled through a photograph/badge ID system. No visitors are authorized access to the area, except under escort; files do not afford 'For Official Use Only' protection and release of information data is recorded on a permanent log.

Retention and disposal:

Permanent; 40 years.

System manager(s) and address:

Commander, USACIDC, Crime Records Directorate, 5611 Columbia Pike, Falls Church, Va. 22041.

Notification procedure:

Information may be obtained from: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, Va. 22041.

Record access procedures:

Requests from individuals should be addressed to: Commander, USACIDC, ATTN: CIJA-RI, 5611 Columbia Pike, Falls Church, Va. 22041.

Written requests for information should contain the full name, address, and date of birth. Personal visits should be made at: Office of the Staff Judge Advocate—Release of Information, USACIDC, 5611 Columbia Pike, Falls Church, Va. 22041.

For personal visits, the requesting individuals must present positive identification, such as a driver's license or other identification card with photograph in addition to the information required in written request.

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

Record source categories:

Suspects, victims, USACIDC special agents and other personnel, informants; various Departmnent of Defense, Federal, State, and local investigative agencies; departments or agencies of foreign governments; and any other individual or organization which may supply pertinent information.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 USC 552a (j) or (k), as applicable. For additional information, contact the System Manager.

A0509.19aDAPE

System name:

509.19a Military Police Investigator Certification Files.

System location:

Primary System: Record files pertaining to individual certification actions are maintained at US Army Military Personnel Center (DAPC-EPM-L), 200 Stovall Street, Alexandria, Va. 22332.

Decentralized Segments: Correspondence relating to certification is maintained at the installation initiating request and at respective major Army command. Official mailing addresses are in the Department of Defense (DOD) directory in Appendix.

Categories of individuals covered by the system:

Any individual who has been nominated by a commander for certification as a Military Police Investigator (MPI).

Categories of records in the system:

Files contain: requests, name checks, background checks, approvals, disapprovals, appeals, rebuttals, and related documents.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012(g).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is collected to establish eligibility and suitability of individuals to be certified as MPIs. Information is not disclosed outside of the agency, and within the agency access to records containing adverse suitability information is restricted by use of protective markings.

Policies and practices for storing, retrieving, accessing, retaining, and diposing of records in the system:

Storage:

Paper records in file folder and card indexes.

Retrievability:

Filed alphabetically by name.

Safeguards:

Building employs security guards and controls access. Distribution and access to files based on strict need-to-know. Files contained in locked cabinets when not under personal supervision of authorized personnel.

Retention and disposal:

Destroyed upon individual's release from active service or 3 years after involuntary withdrawal of certification.

System manager(s) and address:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

Notification procedure:

Requests should be addressed to Deputy Chief of Staff for Personnel, HQDA (DAPE-HRE), Washington, D.C. 20310.

Record access procedures:

Requests should be addressed to Commander, US Army Military Personnel Center (DAPC-EPM-L), 200 Stovall Street, Alexandria, Va. 22332.

Contesting record procedures.

Requests should be addressed to Deputy Chief of Staff for Personnel, HQDA (DAPE-HRE), Washington, D.C. 20310.

Record source categories:

Subjects, witnesses, victims, Military Police and United States Army Criminal Investigations Command personnel and agents, informants, various DOD, Federal, State and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under 5 USC 552a (j) or (k), as applicable. For additional information, contact the SYSMANAGER.

A0702.08aDASG

System name:

702.08 Army Medical Procurement Applicant files.

System location:

Primary System: Procurement Division, Army Medical Department (AMEDD) Personnel Support Agency, Headquarters, Department of the Army (HQDA), (SGPE-PD), Forrestal Building, Washington, D.C. 20314.

Decentralized Segments: AMEDD Procurement Counselor Field Offices in the following locations: Cutler Army Hospital, Ft. Devens, Mass. 01433; U.S. Post Office Building, 135 High St., Hartford, Conn. 06103; Room 1271, Federal Building, 100 South Clinton St., Syracuse, N.Y. 13202; 160 North Franklin St., Hempstead, N.Y. 11550; Building 5515, Room 309 and 316, Ft. Dix, N.J. 08640; Federal Office Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222; Forest Glen Section, Walter Reed Army Medical Center, Washington, D.C. 20012; Federal Office Building, 400 North 8th St., Richmond, Va. 23240; 3555 Maguire Blvd., Bennington Building, Suite 250, Orlando, Fla. 32803; Federal Building, 310 New Bern Avenue, Suite 310, Post Office Box 27524, Raleigh, N.C. 27611; 200 East Liberty St., Ann Arbor, Mich. 48107; Building 67, Columbus support Facility, 530 Buckingham St., Columbus, Ohio 43215; HQ U.S. Army Forces Command, Ft. McPherson, Ga. 30330; Building 142, Room 345, Ft. Sheridan, Ill. 60037; 144 Elk Place, Suite 1504, New Orleans, La. 70112; Federal Office Building, 515 Rusk Ave., Room 5122, Houston, Tex. 77002; Brooke Army Medical Center, ATTN: AFZG-MDZ-PP, Ft. Sam Houston, Tex. 78234; Federal Office Building, 1100 Commerce Street, Dallas, Tex. 75202; U.S. Army Recruiting Main Station, 12th & Spruce Streets, St. Louis, Mo. 63102; U.S. Army Medical Department Activity, Building 268 (Dodge Hall), Ft. Leavenworth, Kans. 66027; American Red Cross Building, Box 327, Fitzsimons Army Medical Center, Denver, Colo. 80240; Building 5, Ft. Douglas, Utah 84110; Building 138, Room 116, Naval Support Activity (Sand Point), Seattle, Wash. 98115; Building 654, Presidio of San Francisco, San Francisco, Calif. 94129; 1600 N. Broadway, Suite 210, Santa Ana, Calif. 92706; U.S. Army Medical Command, Europe, APO New York 09102; Tripler Army Medical Center, ATTN: HSCT-PD-P, TAMC, HI 96859.

Categories of individuals covered by the system:

Potential applicants and applicants for the AMEDD procurement programs, to include applicants for appointment in the Regular Army and U.S. Army Reserve.

Categories of records in the system:

Interview sheets; counselor evaluations; letters of recommendation; selection/non-selection letters; Special Orders; all correspondence to and from applicant; correspondence received concerning applicant; Selection Board/Committee results; Statement of Interests; Objectives and motivation; U.S. Army Reserve Components Personnel and Administration Center Transcript; Officer Procurement Data System Coding Sheet.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012 and 4301, and Executive Order 9397.

Routine uses of records maintained in the sytem, including categories of users and the purposes of such uses:

Procurement Division: To evaluate an applicant's acceptability and potential for appointment in a component of the AMEDD, to evaluate qualifications for assignment to various career areas; to determine educational and experience background for award of constructive service credit; to determine dates of service and seniority; to document service agreement with the U.S. Army; to provide statistical information for effective management of the AMEDD Personnel Procurement Program.

AMEDD Procurement Counselor Field Offices: To assist applicants in completion of their applications; to counsel applicants in their potential for selection for procurement programs and/or for appointment in the AMEDD.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records are maintained in file folders. Selected items of information are on computer paper printouts, magnetic tapes, computer punch cards, and control cards.

Retrievability:

File folders and control cards are filed alphabetically by last name of applicant. Computer printouts are printed alphabetically and by program code/social security number (SSN), by program and/or by special category. Individual records on magnetic tape are retrieved by program code and SSN. Computer punch cards are filed alphabetically by program code/SSN, and/or by special category.

Safeguards:

File folders, control cards, computer paper printouts and computer punch cards are maintained in areas accessible only to authorized personnel. Magnetic tapes are protected by a user identification and password convention.

Retention and disposal:

File folders and control cards are maintained until the end of the year in which all actions pertaining to the individual are completed, plus one year, and destroyed. Computer paper printouts and computer punch cards are destroyed upon replacement by updated information and/or until applicable cyclical program is completed and printouts/punch cards are of no further value, whichever is later. Magnetic tapes are permanent.

System manager(s) and address:

The Surgeon General, Headquarters, Department of the Army (HQDA), The Pentagon, Washington, D.C. 20310.

Notification procedure:

Information may be obtained from: Commander, AMEDD Personnel Support Agency, Officer Procurement Division, Room 7B054, Forrestal Building, Washington, D.C. 20314; telephone: 202-693-5120.

Record access procedures:

Requests should be addressed to: HQDA (SGPE-PD), Forrestal Building, Room 7B054, Washington, D.C. 20314.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from Commander, AMEDD Personnel Support Agency.

Record source categories:

Transcripts from post secondary schools; employer evaluations; faculty evaluations; AMEDD counselor evaluations; interviews; military supervisor evaluations; medical information from medical examination facilities; American Testing Program; Educational Testing Service; Selection Board/committees; prior military service records; Department of Defense (DD) Form 214 (Report of Separation from Active Duty); application and related forms from individual.

Systems exempt from certain provisions of the act:

Parts of this system may be exempt under 5 USC 552a, Section (j) or (k), as applicable. For additional information, contact the SYSMANAGER.

A0715.01aDAPC

System name:

715.01 Personnel Data Card

System location:

Decentralized: Each active Army unit furnishing personnel and strength data to the Department of the Army (DA).

Categories of individuals covered by the system:

Active duty members of the United States Army (commissioned, warrant, and enlisted service members).

Categories of records in the system:

File contains a personnel data form (DA Form 2475-2) which includes organization, unit, station, name, social security number (SSN), grade and pay group, blood type, duty assignment, duty phone number, local address, local phone number, name and address of next-of-kin, home of record, place of birth, awards, military occupational specialty evaluation data, and the unit commander's grade and name. File is augmented by change reports transmitted to higher echelons of the Army to support automated data stored on computer magnetic tapes and disks.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Active Army reporting unit: To account for and maintain data relating to each assigned and/or attached active military person under the military jurisdiction of the company/detachment/Army element for use in personnel management; to support to accounting of and reporting function incident to the maintenance of the Officer Master File (OMF)/Enlisted Master File (EMF), the Military Personnel Records Jacket File (MPRJ), and the Official Military Personnel File (OMPF).

Department of the Army commands/organizations/elements and staff agencies: To perform relevant military functions/requirements/action consistent with their respective mission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Alphabetically by name.

Safeguards:

Records filed in areas accessible only to authorized personnel who are trained, cleared, and assigned the functional duty of unit level personnel administration.

Retention and disposal:

Records are retained in the reporting unit for 8 years following the date of the last entry appearing on the individual personnel data card.

System manager(s) and address:

Commander, U.S. Army Military Personnel Center, 200 Stovall Street, Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the reporting unit of assignment/attachment of the individual concerned.

Record access procedures:

Request from individual should be addressed to the appropriate military unit.

Written requests for information should contain the full name, grade, service identification number, and unit of assignment/attachment.

Personal visits may be made to the unit of assignment; identification of visitors will be established by suitable military identification or other means normally accepted in the transaction of business.

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations may be obtained from Headquarters, Department of the Army (DAPC-POO), 200 Stovall Street, Alexandria, Va. 22332.

Record source categories:

Enlistment Record (Department of Defense (DD) Form 4); Report of Separation (DD Form 214) for reenlistees; Extension of Enlistment (DA Form 1695); Special Orders issued by enlistment/reenlistment authorities; personal information furnished by the individual concerned; documents/records/reports/forms originated within the reporting unit.

Systems exempt from certain provisions of the act:

None.

A0715.06aDAPC

System name:

715.06a Field Military Personnel Information System—SIDPERS.

System location:

Each Army installation and other organizational elements maintaining a segment of the Standard Installation/Division Personnel System (SIDPERS). The official mailing addresses are in the Department of Defense Directory in the Appendix.

Categories of individuals covered by the system:

All active Army military personnel and personnel attached from the National Guard or United States Army Reserve based upon local option.

Categories of records in the system:

The categories of information stored include: name, social security number (SSN), sex, race, citizenship, status, religious denomination, marital status, number of dependents, date of birth, physical profile, ethnic group, grade and date of rank, term of service for enlisted personnel, service agreement for non-regular officers, service data and dates, unit of assignment, military occupational specialty, additional skill identifiers, civilian military education level, language, assignment eligibility and availability and termination date thereof, security status, special pay and bonus, suspense termination date thereof, suspension of favorable personnel action indicator, Privacy Act disputed record indicator.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301; Title 10 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Department of Army: Records are used for personnel management, strength accounting, and manpower management.

Department of Defense:

Records are used for interdepartmental actions and personnel management.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are stored on computer magnetic tapes and disks and computer punch cards.

Retrievability:

Access is by SSN, name, or other identifying characteristics.

Safeguards:

Physical security devices, guards, computer hardware and software features, and personnel clearances for individuals working with the system.

Retention and disposal:

Records are destroyed 90 days after the individual is no longer active.

System manager(s) and address:

Commander, U.S. Army Military Personnel Center (MILPERCEN), 200 Stovall Street, Alexandria, Va. 22332.

Notification procedure:

Information may be obtained from the commander of the organization to which the service member is assigned.

Record access procedures:

Written requests for information should include the full name, service identification number, and current address.

Visits should be made to the servicing military personnel office (MILPO) or headquarters of the organization/station of the service member.

For personal visits, the requester should provide acceptable identification, i.e., military identification card or other identification normally acceptable in the transaction of business.

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations may be obtained from MILPERCEN (DAPC-MSO), 200 Stovall Street, Alexandria, Va. 22332.

Record source categories:

Information is obtained in documented and other computer readable form from other Department of Army organizations/stations and other Federal agencies.

Systems exempt from certain provisions of the act:

None.

A0715.07cUSFK

System name:

715.07 Command Unique Personnel Information Data System (CUPIDS).

System location:

Primary System: Office of the Assistant Chief of Staff, Personnel Directorate (J1), Headquarters (HQ) United Nations Command (UNC)/United States Forces, Korea (USFK)/Eight U.S. Army (EUSA), ATTN: AJPER-DM, Army Post Office (APO), San Francisco 96301.

Decentralized Segments:

US Army Yongsan Data Processing Center Korea, APO San Francisco 96301; HQ UNC/USFK/EUSA, ATTN: PMJ-O, APO San Francisco 96301; HQ UNC/USFK/EUSA, ATTN: DJ-SP, APO San Francisco 96301; and HQ UNC/USFK/EUSA, ATTN: GCT, APO San Francisco 96301.

Categories of individuals covered by the system:

All members of UNC/USFK/EUSA who are authorized duty-free privileges in the Republic of Korea (ROK) as well as US Embassy personnel, contract personnel, technical representatives, and authorized potential noncombatant evacuees living in the ROK.

Categories of records in the system:

The CUPIDS data base includes the individual's name, social security number (SSN), date and place of birth, sex, rotation date, citizenship, passport number, date arrived in the ROK, previous tours in the ROK, service

component, pay grade/position status, marital status, dependent status, and religion. The following dependent information is maintained: spouse's name, date and place of birth, date arrived in the ROK, passport number, citizenship, sex, date and place of marriage, local address, and religion. Applicable information is extracted from this central data base to provide a noncombatant report, contractor and technical representative listing, religious preference listing, and dependent information roster.

An individual purchase record is maintained for those personnel authorized duty-free privileges. It consists of a record of exchange catalog sales and purchases made by authorized shoppers in the exchange system, Class VI stores, and commissaries in the ROK.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301 and the Status of Forces Agreement, United States of America (USA) and the ROK.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Record the number and location of contractor and technical representatives in the ROK for reporting to the Korean Government in accordance with the USA-ROK Status of Forces Agreement.

Identify and locate noncombatant evacuees in case of emergency. Provide Department of Defense (DOD) information pertaining to the number of dependents in the ROK.

Obtain a religious profile to determine a realistic distribution of chaplain assets throughout the command.

Produce list of suspected violators of the ration control authorizations set for retail facilities in the ROK.

Produce a list of exchange catalog sales shipped into the ROK. Information is provided the Provost Marshal, U.S. Army Criminal Investigation Command, U.S. Department of State, Office of Special Investigation, Customs Officials, law enforcement authorities of the ROK and commanders for investigative action where appropriate and/or administrative or judicial disposition.

Provide listing of dependents in Korea to the Comptroller for verification of housing dollar authorizations.

Maintain file of selected controlled item purchases made in retail facilities.

Provide management data pertaining to expenditures by grade and family size. This information is used to determine if authorizations are sufficient.

Provide a dependent profile throughout the command for management purposes.

Provide ration control plates for authorized individuals for use in recording purchases in retail facilities.

Provide medical cards which are used for identification in medical facilities.

Provide retail sales information to the USA-ROK Status of Forces Ad Hoc Committee on black marketing activities.

Provide list by date eligible for return from overseas (DEROS) for transportation forecasting requirements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape in tape library.

Microfiche in file library and user level.

Paper printout at user location.

Retrievability:

Noncombatants listing by area and geographical sub-area is alphabetic by last name.

All other records by SSN sequence.

Safeguards:

The records area is accessible only to authorized personnel. During off duty hours, the facility is locked and secured by sound activated alarm.

Retention and disposal:

The command profile, sales profile, and individual sales file are retained for 1 year. Individual violations are retained until the end of the tour of the concerned individual.

Regular card sales are destroyed monthly unless retained for evidence.

Controlled items sales records are maintained for duration of individual tour.

The data base account is retained for the duration of individual tour plus one month.

All other information is eliminated at termination of tour or employment.

System manager(s) and address:

Assistant Chief of Staff, J1, HQ UNC/USFK/EUSA, APO San Francisco 96301.

Notification procedure:

Information may be obtained from: HQ UNC/USFK/EUSA (AJ-PER-DM), Building 2402A, Yongsan/Seoul Korea; Telephone: 293-3585.

Record access procedures:

Requests from individuals should be addressed to: HQ, UNC/USFK/EUSA (AJ-PER-DM), APO San Francisco 96301.

Written requests for information should contain the full name of the individual, current address and telephone number, SSN.

For personal visits, the individual should provide a military identification card and ration control plate if issued, or other acceptable identification such as a valid vehicle operator's license.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

Record source categories:

Application for ration control; recorded sales made with ration control plate at retail US military facilities throughout the ROK; orders made through exchange catalog sales.

Systems exempt from certain provisions of the act:

None.

A0728.01DAAG

System name:

728.01 Retired Personnel Data File

System location:

Primary System: The Adjutant General Center, 1000 Independence Avenue SW Washington, D.C. 20314.

Decentralized segments: United States Army Military Personnel Center (MILPERCEN), 200 Stovaill Street, Alexandria, Va. 22332; Army commands/installations operating retiree councils and/or service activities.

Categories of individuals covered by the system:

All retired Army personnel.

Categories of records in the system:

File contains name, grade codes, retirement class, social security number, branch of service, date of birth, date of birth, date of retirement, component, years in service, percentage of disability, sex, retired pay codes, addess codes, and retirement codes. File is maintained on magnetic tape for output to microfiche for manual video use.

Authortity for maintenance of the system:

Title 10 U.S.C., Section 3966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Adjutant General Center: To fulfill statutory requirement for listing of retired personnel; to accomplish a continuing contact with the retired person with respect to their entitlements, envolvments, and status as a retired military member; to provide listings, geographically, for use by commands/installations operating retiree councils and/or service activities; and for locator use.

General Services Administration: To obtain printing services for volume III, Army Registers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Microfiche and magnetic tapes.

Retrievability:

Record accessed by name.

Safeguards:

Microfiche maintained in areas accessible only to authorized personnel who are trained and cleared for duty in the retired activities branch; magnetic tape is maintained in areas accessible only to personnel who are trained and cleared for computer duties.

Retention and disposal:

Magnetic tape updated through input of new retiree, address change, and death; individual data record retained until death.

System manager(s) and address:

Commander, The Adjutant General Center, 1000 Independence Avenue SW., Washington, D.C. 20314.

Notification procedure:

Information may be obtained from: Commander, The Adjutant General Center, 1000 Independence Avenue SW., Washington, D.C. 20314.

Record Access procedures:

Requests from individuals should be addressed to: Headquarters, Department of the Army (HQDA) (DAAGPER), 1000 Independence Avenue, SW, Washington, D.C. 20314.

Written requests for information should contain the full name of the requester, service identification number, and current address.

Personal visits may be made to the Adjutant General Center. Individuals should be able to provide their military service identification card or other commonly acceptable means of identification used in the normal transaction of business.

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations may be obtained from HQDA (DAAG-AMR), 1000 Independence Avenue SW., Washington, D.C. 20314.

Record source categories:

Retirement order and documents; retiree input of address change data; death notifications.

Systems exempt from certain provisions of the act:

None.

A0810.10aDAEN

System name:

810.10 Military Construction Training Files

System location:

Construction Training, Construction Support Branch, Construction Division, Directorate of Military Construction, Office of the Chief of Engineers (COE), Washington, D.C. 20314.

Categories of individuals covered by the system:

Any participant in the annual Chief of Engineers Construction Training Program.

Categories of records in the system:

File contains individual's grade, occupational code, district or division employed by, and age.

Authority for maintenance of the system:

Government Employees Training Act of 7 Jul 58, 72 Stat 327 (Pub. L. 85-507).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Provides an historical record of training and source of data for statistical reports; serves as basis for developing additional courses and evaluating the effectiveness of training; and provides data for cost accounting and developing budget estimates for the training program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape, disk, and computer printouts.

Retrievability:

Accessed by name and social security number (SSN).

Safeguards:

Computer "Fail Safe" System.

Retention and disposal:

Information on individuals is deleted from the system upon termination of employment.

System manager(s) and address:

Chief of Engineers, Department of the Army (DA), Forrestal Building, Washington, DC 20314.

Notification procedure:

Information may be obtained from: Chief of Engineers, ATTN: DAEN-MCC-E, Department of the Army, Washington, D.C. 20314; Telephone: Area Code 202-693-1310.

Record access procedures:

Requests from individuals should be addressed to Chief of Engineers, DA, ATTN: DAEN-MCC-ET, Washington, D.C. 20314.

Written requests for information should contain, as a minimum, the individual's full name and SSN.

For personal visits, the individual should be able to provide employing office's identification card or other suitable identification such as a passport or driver's license with photograph.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21.

Record source categories:

Information is submitted by the individual student.

Systems exempt from certain provisions of the act:

None.

A0917.10aDAAG

System name:

917.10 Child Protection Case Management Files

System location:

Primary System: Commander, United States (US) Army Health Services Command, ATTN: HSOP-PR, Ft Sam Houston, Tex. 78234.

Decentralized Segments: Office of The Surgeon General, ATTN: DASG-HCC-G, Washington, D.C. 20310; U.S. Army medical treatment facility and/or child protection and case management team office on post, camp, or station where file was initiated or, in some cases, subsequently transferred upon reassignment of military member.

Categories of individuals covered by the system:

All children entitled to care at Army medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities and all persons suspected of abusing or neglecting such children.

Categories of records in the system:

Medical records of suspected and established cases of child abuse or neglect, investigative reports, correspondence, child protection case management team reports, follow-up and evaluative reports, and other supportive data assembled relevant to individual child protection case management.

Authority for maintenance of the system:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Army in the performance of their official duties relating to health and medical treatment of members and former members of the uniformed services, civilians and dependents receiving medical care under Army auspices; performance of research studies and compilation of statistical data.

Officials and employees of other components of the Department of Defense and other Departments and agencies of the Executive Branch of government in the performance of their official duties relating to the coordination of child advocacy programs, medical care and research concerning child abuse and neglect.

The Attorney General of the United States or his authorized representatives in connection with litigation or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Federal, state or local governmental agencies when it is deemed appropriate to utilize civilian resources in the counseling and treatment of individuals or families involved in child abuse or neglect, or when it is deemed appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement.

Authorized officials and employees of the National Academy of Sciences, private organizations and individuals for health research in the interest of the Federal Government and the public; and authorized surveying bodies for professional certification and accreditation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records may be stored in file folders, microfilm or magnetic tape, punched cards, machine list, disks, and other computerized or machine readable media.

Retrievability:

Filed by name of the suspected abused child and the name and/or social security number (SSN) of the military sponsor, with no index by the name and/or SSN of any other person not an Army employee (including the spouse of the military sponsor).

Safeguards:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Public access is not permitted. Records are accessible only to authorized personnel that are properly screened and trained, and on a need-to-know basis only. Computer terminals are located in supervised areas with access controlled by password or other user code system.

Retention and disposal:

Records are retained in decentralized office files for 5 years after the end of the year in which the case was closed and are then destroyed. Records are retained the central file until the minor child is age 22 and are then destroyed.

System manager(s) and address:

The Surgeon General, Headquarters, Department of the Army; Commander, U.S. Army Health Services Command; commanders of medical centers and hospitals.

Notification procedure:

Information on specific cases may be obtained from the commander of the medical center or hospital where treatment was received. Official mailing addresses are in the Department of Defense Directory in the Appendix to Army system notices.

Information in central files may be obtained from: Commander, U.S. Army Health Services Command, ATTN: HSOP-PR,

Record access procedures:

Requests from individuals should be addressed to the commander of the medical center or hospital where treatment was received; or to Commander, U.S. Army Health Services Command, ATTN: HSOP-PR, Ft. Sam Houston, Tex. 78234.

Written requests for information should contain the full name of the individual, SSN, current address and telephone number. Visits are limited to the commander of the medical center or hospital where treatment was received; and to the Office of The Surgeon General (DASG-HCC-G), Room 2D528, The Pentagon, Washington, D.C. 20310.

For personal visits, the individual should be able to give sufficient identification, and provide some verbal information that can be verified from his/her file.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in 32 CFR Part 505 (Army Regulation 340-21).

Record source categories:

Information obtained from educational institutions, medical institutions, police and investigating officers, state and local government agencies, witnesses, and source documents (i.e., reports) prepared on behalf of the Army by boards, committees, panels, auditors, etc. Information may also be from interviews, personal history statements, and observations of behavior by various professionals (i.e., social workers; physicians, to include psychiatrists and pediatricians; psychologists; nurses and lawyers).

Systems exempt from certain provisions of the act:

Parts of this system may be exempt under Title 5 U.S.C., Section 552a(k)(2) and (5), as applicable. For additional information, contact the SYSMANAGER.

A1012.03iDLI

System name:

1012.03 Standardized Student Records System

System location:

Defense Language Institute, Foreign Language Center (DLIFLC), ATTN: Academic Records Office, Presidio of Monterey, Calif. 93940.

Categories of individuals covered by the system:

Any person who has ever been enrolled for foreign language training at any facility of the DLIFLC.

Categories of records in the system:

File contains individual's name, social security number (SSN), and military administrative data, together with academic data generated at DLIFLC.

Authority for maintenance of the system:

Title 10 U.S.C., Section 3012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Supplies data to DLIFLC for dividing students among class sections, selecting section monitors, preparing rosters and academic bulletins, preparing summaries of training activity used in managing current operations and reporting workload, establishing a permanent student record used for issuing official grade transcripts and preparing statistical studies used to improve training and testing methods.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Remote computer magnetic tape and disk.

Retrievability:

Files accessed by remote terminals with records filed by SSN.

Safeguards:

Records are accessible via remote terminal only by authorized personnel

citing established user identifier and password.

Retention and disposal:

Records are permanent. They are retained in active file (on-line) until the student departs; then retired to a history tape.

System manager(s) and address:

The Commandant, DLIFLC, Presidio of Monterey, Calif. 93940.

Notification procedure:

Informatoin may be obtained from: Defense Language Institute, Foreign Language Center, ATTN: Academic Records Office, Presidio of Monterey, Calif. 93940; Telephone: Area Code 408-242-8221.

Record access procedures:

Request from individuals should be addressed to: Defense Language Institute, Foreign Language Center, ATTN: Academic Records Office, Presidio of Monterey, Calif. 93940.

Written requests for information should contain the full name and current address of the individual, SSN, class attended and year graduated.

For personal visits to the Academic Records Office, the individual should be able to provide positive identification, such as, valid driver's license, employing office identification card, etc.

Contesting record procedures

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21

Record source categories:

Student registration from (DLIFLC FORM 90) prepared by student upon enrollment and various local forms containing academic data.

Systems exempt from certain provisions of the act:

None.

A1511.01aDAPE

System name:

1511.01 Army Housing Files.

System location:

Director, Industrial Operations (DIO), Deputy Chief of Staff for Logistics (DCSLOG), Housing Manager (HM), at Army installations, worldwide.

Categories of individuals covered by the system:

Military personnel, member of the uniformed services, Department of Defense (DOD) or other key civilian personnel, service members' dependents assigned or attached to an installation for on or off post housing support.

Categories of records in the system:

Records include housing correspondence files, troop housing files, housing project tenancy files, housing cost control files, housing leasing files, housing rental rate files, housing referral service files, off post rental housing reporting files, and housing complaint and investigation files.

Records contain, as appropriate, names, service or social security number (SSN), rank or grade, date of rank or grade, length of service, organization, home telephone number, date expected to return from overseas, dependency data, address of quarters, number of bedrooms, adequacy code, and rental cost of economy quarters.

Files contain documents such as permanent change of station (PCS) orders, authorization for travel of dependents, locator cards applications for Government or off post housing, status of housing availability, housing assignment and termination letters, utilization and occupancy information, private sales/rental listings, notification of off post housing selection, authorization for Government furniture, furniture hand receipts, General Officer Quarters Cost Report, guest houses/visiting quarters registers and occupancy statements, rental deduction notices or cancellations, applications for and certificates of civilian employee eligibility to obtain loan to purchase housing, and letters of complaints (includes discrimination) and investigations.

Authority for maintenance of the system:

Department of Defense Instruction (DODI) 4165.44; DODI 4165.47; DODI 4165.51; DODI 1100.16; DODI 4165.27; DODI 4165.43; DODI 4165.34; Annual Military Construction Authorization Acts; Section 515 of Public Law 84-161 as amended (Title 10 U.S.C., Section 2674); Title 10 U.S.C., Section 133; Army Regulation (AR) 210-50 (Family Housing); AR 210-16 (Bachelor Housing); AR 210-2 (Guest Houses); AR 230-1 (Nonappropriated Funds and Oversea Transient Facilities); AR 210-6 (Furniture); AR 210-12 (Rental Rates for Quarters); AR 405-10 (Real Estate Acquisiton); AR 600-18 (Equal Opportunity in Off Post Housing).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purposes for which the system is collected are as follows:

To provide information relating to the overall program of providing necessary housing for military personnel, dependents of military personnel, and qualified civilian employees, but exclusive of specific files described herein.

Documents relating to the housing and billeting of military personnel involving such matters as the adequacy and suitability of housing. Included are memoranda on housing, strength and housing capacity reports, housing schedules, and similar papers.

Documents accumulated in offices of housing project directors and relating to rental of units. Included are applications for quarters, character reference letters, rental deduction notices, property inventories, cancellation of rental deduction notices, and similar documents.

Documents relating to the control of costs for alteration and repair of housing units to insure that amount expended comply with limitations set by law. Included are cumulative cost cards, copies of job orders, copies of work orders, copies of contracts, copies of issue slips, and copies of similar documents reflecting expenditures.

Documents relating to the leasing of housing to provide necessary quarters for qualified personnel. Included are requests for approval to lease, authorizations to lease, leasing and rental surveys, and similar or related documents.

Documents relating to the establishment of rental rates for housing units. Included are surveys, schedules, statistical data, and similar or related documents.

Documents relating to providing guidance and referral service on available housing. Included are requests for counseling or guidance in connection with purchase or rental of housing; listings of housing available for purchase or rent; liaison with real estate boards, realtors, brokers, and other Government agencies; and similar or related documents.

Documents relating to reports reflecting conditions affecting off post rental housing. Included are off post housing census reports, DOD off post housing survey reports, status of housing assets reports, similar reports, and related documents.

Documents relating to complaints and investigations in connection with off post housing. Included are complaints (includes discrimination) from military personnel and owners or operators of housing facilities, investigative data, fact statements, acceptance statements, withdrawal notices, and similar documents.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders. File cards. Computer tapes. Computer printouts. Punched cards.

Retrievability:

Filed alphabetically by last name, facility name, or facility number.

Safeguards:

Records are maintained in room accessible only to authorized personnel.

Retention and disposal:

Housing correspondence files: Maintained in office performing Army-wide staff responsibility for 10 years, then retired to the Washington National Records Center, Washington, DC for retention until accessioned by the National Archives and Records Service, Washington, DC. Files in other offices are destroyed after 5 years.

Installation troop housing files: Destroyed after 3 years or on discontinuance, whichever is first.

Installation housing project tenancy files: Destroyed 3 years after termination of quarters occupancy or on discontinuance, whichever is first.

Family housing cost control files: Cards reflecting cumulative costs are destroyed 11 years after last entry on card. Other files are destroyed after posting to the cumulative cost card, except that copies of work orders used for posting to the cumulative cost card will be destroyed 1 month after completion of work, or earlier.

Family housing leasing files and family housing rental rate files: Destroyed after 10 years.

Housing referral service files: Destroyed after 5 years.

Off post rental housing reporting files: Files maintained in office performing Army-wide staff responsibility are destroyed after 5 years. Files in other offices are destroyed after 3 years.

Off post housing complaint and investigation files: Files maintained in offices performing Army-wide staff responsibility are destroyed 5 years after completion. Other files are destroyed 2 years after completion.

System manager(s) and address:

Chief of Engineers, Headquarters, Department of the Army, Washington, DC 20314.

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

Notification procedure:

Information may be obtained from the Director of Industrial Operations (or his counterpart) at Army installations world-wide.

Record access procedures:

Requests from individuals should be addressed to the Director of Industrial Operations at the appropriate installation.

Written requests for information should contain the full name of the individual, current address, and location of last assignment.

For personal visits, the individual should be able to provide some acceptable identification such as a driver's license or military identification card.

Contesting record procedures:

The Army's rules for contesting and appealing initial determination are contained in Army Regulation 340-21 which may be obtained from the SYSMANAGER.

Record source categories:

Automated systems interfaces. Individuals' personnel records. Tenant/landlords and realty activities. Information provided by the individual. Financial institutions. Previous commanders or employers.

Systems exempt from certain provisions of the act:

None.

[FR Doc. 78-19614 Filed 7-14-78; 8:45 am]

[3710-08]

Department of The Army

ARMY SCIENCE BOARD STANDING COMMITTEE ON BALLISTIC MISSILE DEFENSE

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: Army Science Board Standing Committee on Ballistic Missile Defense.

DATES OF MEETING: August 3-4, 1978.

PLACE: Ballistic Missile Defense Systems Command, Huntsville, Ala.

TIME: 0900 to 1730 hours, August 3, 1978; 0900 to 1400 hours, August 4, 1978.

PROPOSED AGENDA: August 3, 1978—Threat Briefing, Advanced Technology Objectives and Management, Technology Analysis Constructs, Interceptor Technology, Radar Technology, Optics Technology, Discrimination Technology, Data Processing Technology. August 4, 1978—STP Overview, Overlay Defense Description, Underlay Defense Description, Single Silo and Simple Systems, Deployment Options. This meeting is closed to the public since the meeting will include briefings which disclose matters that are specifically authorized under an Executive Order to be Secret in the interests of National defense or foreign policy and, in fact, properly classified pursuant to such Executive Order.

By Authority Of The Secretary Of The Army:

Dated: July 6, 1978.

ROME D. SMITH,
Colonel, U.S. Army, Director, Administrative Management TAGCEN.

[FR Doc. 78-19604 Filed 7-14-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

INTERGOVERNMENTAL AND INSITUTIONAL RELATIONS CONSUMER AFFAIRS ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs Advisory Committee and subcommittees will meet Thursday, August 3, and Friday, August 4, 1978, in Rooms 5041 and 3000A, 12th and Pennsylvania Avenue NW., Washington, D.C.

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.

The agenda for the meetings is as follows:

THURSDAY, AUGUST 3, 1978

Full Committee—Room 5041.
9:00- 9:30 Introductory General Session.
9:30-11:30 Update on Effect of National Energy Plan on Consumers.

Subcommittee on Consumers Right to Heat and Light
11:00-1:00—Room 5041.
Agenda:
Current Information on Utility Rates.
Policy on Incremental Pricing and Liquefied Natural Gas.
DOE Report on Weatherization Status.

Subcommitte on Funded Public Paricipation of Consumer Organizations
11:00-1:00—Room 3000A.
Agenda:
Update on Section 205.
Regulatory Procedures—Consumer Federation of America.

Subcommittee on Consumer's Right to Appropriate Energy Sources
1:00-3:00—Room 5041.
Agenda:
Report on Waste in Food Production.

Subcommittee on Oversight of the Department of Energy
1:00-3:00—Room 3000A.
Agenda:
Review of Functional Budget of the Department.
Review of the Programs of the Office of Consumer Affairs.

Full Committee—Room 5041.
3:00-3:30 Public Comment.
3:30-3:45 Break.

Full Committee—Room 5041.
3:45-5:00 Subcommittee Reports.

FRIDAY, AUGUST 4, 1978

Full Committee—Room 5041.
9:00-10:15 Report on Sun Day; Report on Domestic Policy Review.
10:15-10:30 Break.
10:30-12:00 Subcommittee Reports.
12:00- 1:00 Lunch.

1:00- 1:30 Public Comment.
1:30- 2:30 Subcommittee Reports.
2:30- 2:45 Break.
2:45- 3:45 Report on Status of Coalition of Labor, Consumer, etc.
3:45 Evaluation, Comments & Recommendations.
Closing Remarks.

The Full Committee and Subcommittee meetings are open to the public. The Chairman of the Committee and each subcommittee is empowered to conduct each meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with either the Committee or a subcommittee will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements should inform Georgia Hildreth, Acting Director, Advisory Committee Management (202) 566-9969, at least 5 days prior to the meetings and reasonable provision will be made for their appearance on the agenda.

The transcript of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C., on July 12, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-19637 Filed 7-14-78; 8:45 am]

[3128-01]

NUCLEAR WASTE MANAGEMENT

Public Participation

AGENCY: Department of Energy, Office of Consumer Affairs.

ACTION: Notice of Public Participation on Nuclear Waste Management.

SUMMARY: The Department of Energy will hold a preliminary series of public meetings and discussions in the DOE regions in response to the President's order to develop recommendations or management of nuclear wastes. The meetings will be held in the DOE regions and in Washington, D.C. during the months of July and August.

FOR FURTHER INFORMATION CONTACT:

Harry J. Loeper III, Office of Consumer Affairs, Department of Energy, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9021.

SUPPLEMENTARY INFORMATION: The President has directed a comprehensive review of nuclear waste management and, on March 15th, he announced the formation of an Interagency Review Group (IRG) on Nuclear Waste Management. Using this Government-wide approach, the President is determined to resolve the issues relating to nuclear waste management, and to do so with public involvement. The purpose of this Notice is to announce a series of meetings and discussions designed to insure public participation in the IRG process. There will be other additional opportunities for public involvement in the nuclear waste management issue.

The principal objective of the IRG is to prepare a report for the President, setting forth recommendations for an overall decision making and implementation process to deal with the Nation's nuclear wastes in a comprehensive manner.

The IRG will address the disposal of the four major types of nuclear wastes: spent fuel, high level and transuranic wastes: low level wastes; uranium mill tailings; and decontamination and decommissioning wastes.

The IRG will be developing the following items for each major type of waste:

A statement of Federal goals to be achieved in waste management;
A workplan describing how the government will proceed in achieving the desired goals.

Each workplan will provide for:

A general strategic planning basis or rationale to be followed.
An overall schedule, including milestones for implementation of the workplan, which would include agency roles and assignments for rendering technical, regulatory, and programmatic decisions, EIS schedules, legislative initiatives, criteria and regulations.
Identification of areas of uncertainty, their significance and the urgency of their resolution.
Research and development (R&D) needs, priorities and responsibilities necessary to resolve those uncertainties.
Identification of remaining decisions which, if not made, could constrain the effective resolution of those areas of uncertainty.
Establishment or clarification of compatible agency jurisdiction, regulation and enforcement authority.
Recommendations on near- and long-term agency resource requirements.

As part of the procedures of the IRG, six working groups have been established:

1. Alternative Technology Strategies
2. Federal Involvement (Licensing/Standards/Criteria)
3. Defense Waste (Special Issues)
4. Spent Fuel Storage/Charges
5. Transportation Issues
6. International Issues

It is requested that all testimony submitted in writing or presented at public meetings, be organized, in so far as possible, into sections reflecting these panel titles.

The working groups will be assembling information from a wide variety of sources. This preliminary public participation effort will include three levels of involvement:

1. *Small Group Meetings* of Federal officials and selected citizens who have demonstrated expertise in the areas being explored. These meetings, outlined below, are open to the public; however, the public will not be invited to join in the discussion between government officials and designated witnesses. There will be an opportunity for other individuals to make their views known at the three regional public meetings and by mailing written testimony to Mr. Allan Smith, Department of Energy, 175 West Jackson Boulevard, Room A-333, Chicago, Ill. 60604. All testimony will be factored into the public participation report to be submitted to the IRG.

SMALL GROUP MEETINGS

Meeting	Date	Place
National Governors Association.	July 9, 10....	Olympia, Wash.
Utilities	July 14.....	Washington, D.C.
Public interest groups.....	July 17.....	Do.
City and county governments.	July 17.....	Do.
State legislators.....	July 18.....	Do.
Industry.....	July 18.....	Do.
Professional/academic groups.	July 19.....	Do.
Transportation.....	July 19.....	Do.
Indian tribes.....	July 20.....	Do.
Congressional committees and staff.	*July 20.....	To be arranged.
Members of Congress	July 26 or 27.	Do.

*Tentative

2. *Public Forums.* There will be three public forums held at the dates and places listed below. Each meeting will begin at 9 a.m. and end at 7 p.m.

REGION I—AUGUST 4-5

Meeting location: John W. McCormack Post Office and Court House, Post Office Square, room 208, Boston, Mass.
Contact person: Roberta Walsh 617-223-0504 or 223-5257.
Regional office: DOE Region I, 150 Causeway Street, Boston, Mass. 02114.

REGION VIII—JULY 24-25

Meeting location: Denver Post Office Auditorium, 1823 Stout Street, Denver, Colo.
Contract person: Dale Erikson, 303-234-2420.
Regional office: DOE Region VIII, P.O. Box 26247, Belmar Branch, Denver, Colo. 80226.

REGION IX—JULY 21-22

Meeting location: Sheraton Palace Hotel, Gold Ballroom, 639 Market Street, San Francisco, Calif. 94119.
Contact person: Bob Laffel 415-556-7130.
Regional Office: DOE Regional IX, 111 Pine Street, third floor, San Francisco, Calif. 94111.

PROPOSED FIRST-DAY AGENDA

8 a.m.-9 a.m.—Registration.

9 a.m.-10 a.m.—Introductory remarks and DOE presentation of issues.
10 a.m.-1 p.m.—Scheduled speakers and comments/questions from audience.
1 p.m.-2 p.m.—Lunch.
2 p.m.-2:45 p.m.—DOE presentation of issues (same as morning session).
2:45 p.m.-7 p.m.—Scheduled speakers and comments/questions from audience.

PROPOSED SECOND-DAY AGENDA

9 a.m.-9:45 a.m.—DOE presentation of issues.
9:45 a.m.-1 p.m.—Scheduled speakers and comments/questions from audience.
1 p.m.-2 p.m.—Lunch.
2 p.m.-7 p.m.—Scheduled speakers and comments/questions from audience.

3. *Written Comments.* All interested persons are invited to participate in the IRG process by submitting data, views or arguments with respect to the subjects identified and in accordance with the suggested format. Comments should be identified on the outside of the envelope and on documents and submitted to Mr. Allan Smith, Department of Energy, 175 West Jackson Boulevard, room A-333 Chicago, Ill. 60604. All written comments must be postmarked on or before August 2, 1978, to be considered in the IRG process.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination. Any person who has an interest in this proceeding or who is a representative of a group of persons that has an interest, may make a written or oral request in advance of the meeting for an opportunity to make a presentation. Such a request should be directed to the Regional address or telephone number listed above and in accordance with the request procedures set forth below. Requests must be received three days before the appropriate regional meeting. A request should be labeled both on the document and on the envelope "Nuclear Waste Forum". The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of the group of persons that has such an interest; and give a phone number where she or he may be contacted.

DOE reserves the right to select the persons to be scheduled at these meetings, and to establish the procedures governing the conduct of the meetings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

Written material is available at all DOE Regional Offices to assist in the preparation of written or oral testimony. This material represents some of the background information the IRG will be using in preparing their report.

An appropriate official will be designated to preside at the meetings. These will not be judicial or evidentiary-type hearings. Except during those periods when comments are requested from the floor, only those formally participating in the hearings may ask questions. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she desires, to make a supplemental statement which will be given in the order in which the initial statements were made and will be subject to time limitation. Any person atttending the meeting who wishes to make a statement or ask a question at the meeting may indicate his intereset in doing so, in writing, to the presiding officer. The presiding officer will permit comments/questions from the audience as time limitations permit.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

Transcripts of the meetings will be made and the entire record of the meetings, including the transcript, will be retained by DOE and made available for inspection at the Freedom of Information Office, room 3116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C. on July 13, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-19761 Filed 7-14-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTON AGENCY

[FRL 928-6; OPP-30020A]

OFFICE OF PESTICIDE PROGRAMS

Referral of Ingredients for Intensive Scientific Review; Clarification

On April 20, 1978 (43 FR 16807), the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER a notice reporting the dispostion of pesticide ingredients referred to EPA as possible candidates for intensive scientific review under the rebuttable presumption against registration or continued registration (RPAR) program. Interested parties have questioned whether the list of pesticide ingredients accepted as candidates adds to or replaces the existing RPAR candidates; this notice serves to clarify that notice, and provide additional information.

The April 20 FEDERAL REGISTER notice lists pesticide ingredients which an EPA referral panel reviewed and accepted (or rejected) as new candidates for intensive scientific review during the period July 1977 through March 31, 1978. The ingredients listed in that notice are additions to the list of pesticide ingredients which were accepted as RPAR candidates before July 1977. The following list presents those pesticide ingredients accepted before July 1977 and the risk criteria which may possibly be met or exceeded.

In July 1976, there had been 45 pesticide ingredients referred and accepted for intensive scientific review. Of those, two ingedients (sperm oil and lead acetate) were administratively removed from the RPAR process, and three ingredients were the subjects of voluntary cancellation requests by the respective registrants. Official RPAR notices were published in the FEDERAL REGISTER on 21 ingredients, leaving only 19 ingredients in review.

Since that time, 43 additional pesticide ingredients have been referred and accepted for review. Of those, two ingredients (picloram and potassium arsenite) have been administratively removed from the RPAR process, and two other ingredients (amitraz and thiophanatemethyl) have the subjects of official RPAR notices. Finally, three arsenical ingredients in review have been regrouped into only two ingredients. Thus, 57 pesticide ingredients listed here and in the April 20 notice (accepted ingredient list) are presently in intensve scientific review.

Cacodylic acid and salts
Dimethylarsinic acid
Oncogenicity, mutagenicity, and reproductive effects

Carbaryl
1-Naphthyl-N-methylcarbamate
Teratogenicity and effects on non-target organisms

Carbon Tetrachloride (tetrachloromethane)
Oncogenicity, mutagenicity, teratogenicity, and
other chronic effects (embryotoxicity and hepatoxicity)

Coal tar
Oncogenicity

Creosote
Oncogenicity

DDVP
2,2-Dichlorovinyl dimethyl phosphate
Mutagenicity, fetotoxicity, oncogenicity, and reproductive effects

DEF
Tributyl phosphorotrithioate
Neurotoxicity

EPN
0 - Ethyl 0 - (p - nitrophenyl) phenylphosphonothioate
Neurotoxicity

Erbon
2-(2,4,5-Trichlorophenoxy) ethyl 2,2-dichloropropionate

Oncogenicity, teratogenicity, and fetotoxicity due to dioxin contaminants

Inorganic arsenicals
(Includes Arsenic Acid, Arsenic Pentoxide, Arsenic Trioxide, Sodium Arsenate, Ammonium Arsenite, Sodium Pyroarsenate, Lead Arsenate (Basic and Standard), Calcium Arsenate, Sodium Arsenite, Copper Acetoarsenite)
Oncogenicity, mutagenicity, and teratogenicity

Merphos
Tributyl phosphorotrithioite
Neurotoxicity

Methanearsonates
(Includes Amine Methanearsonate, Calcium Acid Methanearsonate, Monoammonium Methanearsonate (MAMA), Monosodium Methanearsonate (MSMA), Disodium Methanearsonate (DSMA)
Oncogenicity and mutagenicity

Monuron
3-(p-chlorophenyl)-1,1-dimethylurea
Oncogenicity

OBPA
10,10'-Oxybisphenoxarsine
Reproductive effects

Paraquat dichloride
1,1'-Dimethyl-4,4'-bipyridinium dichloride
Teratogenicity, lack of emergency treatment, chronic effects, reproductive effects, oncogenicity (data gap), mutagenicity (data gap), and acute effects

Pentachlorophenol and derivatives
Fetotoxicity and teratogenicity

Perthane
1,1-Dichloro-2,2-bis(4-ethylphenyl) ethane
Oncogenicity and reproductive effects

Piperonyl butoxide
80 percent (Butylcarbityl) (6-propylpiperonyl) ether and 20 percent related compounds
Oncogenicity

Ronnel
0-0-Dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate
Oncogenicity, teratogenicity, and fetotoxicity due to dioxin contaminants

Rotenone
1,2,12,12a - Tetrahydro-8,9-dimethoxy-2-(1-methylethenyl)-[1]benzopyrano [3,4-b]furo [2,3-h [1]-benzopyran-6(6H)-one
Oncogenicity

Silvex
2-(2,4,5-Trichlorophenoxy) propionic acid
Oncogenicity, teratogenicity, and fetotoxicity due to dioxin contaminants

Treflan (Trifluralin)
a,a,a-Trifluoro-2,6-dinitro-N,N-dipropyl p-toluidine
Oncogenicity due to nitrosamine contaminants

Triallate
S-(2,3,3-Trichloroallyl) diisopropylthiocarbamate
Oncogenicity and mutagenicity

Trichloroethylene
Oncogenicity

Trichlorfon
Dimethyl(2,2,2-trichloro-1-hydroxyethyl) phosphonate
Oncogenicity, teratogenicity, and fetotoxicity due to dioxin contaminants

2,4,5-Trichlorophenol and its salts
Oncogenicity, teratogenicity, and fetotoxicity due to dioxin contaminants

Questions concerning this notice should be directed to the Office of Special Pesticide Reviews, Office of Pesticide Programs (WH-566), EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-5687.

Dated: July 7, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-19541 Filed 7-14-78; 8:45 am]

[6560-01]

[FRL 929-1]

ENVIRONMENTAL IMPACT STATEMENTS

Receipt

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS's) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from July 3, 1978 through July 7, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days; the date of submission of comments is August 28, 1978. The thirty (30) day period for each final statement begins the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: July 12, 1978.

WILLIAM D. DICKERSON,
Acting Director, Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359A, Washington, D.C. 20250; 202-447-3965.

FOREST SERVICE

Draft

Snow Bowl Ski Area Proposal, Coconino National Forest, Coconino County, Ariz., July 5: This proposal describes six alternatives for the further development of the Snow Bowl Ski Area located in the Coconino National Forest, Coconino County, Ariz. The statement also discusses an access road to the Snow Bowl, which must coordinate with the plan for the ski area, the Snow Bowl is a 777-acre permitted ski area which was discussed in the final EIS, San Francisco peaks land use plan, filed in December 1972, which emphasized winter sports as the major use. (USDA-FS-R-3-DES-78-01.) (ELR Order No. 80707.)

Mammoth-Mono Planning Unit, Inyo National Forest, Mono, Madera, and Fresno Counties, Calif., July 7: The proposed action involves the selection of a management plan for the National Forest lands within the Mammoth-Mono Planning Unit (MMPU). The plan will replace or continue the multiple use management plan, which will be in effect until the unit plan is selected. The proposed action does not involve the planning of private lands. The project purpose is to resolve management problems and to respond to physical, biological, social, and economic changes that have occurred since the multiple use management plan was approved in 1970. The entire MMPU is within the counties of Mono, Madera, and Fresno, Calif. (USDA-FS-R5-DES(ADM)-78-07.) (ELR Order No. 80717.)

SOIL CONSERVATION SERVICE

Final

Rural Abondoned Mine Program (RAMP), National, July 7: The Soil Conservation Service proposes to implement policies, procedures, and regulations for the rural abandoned mine program (RAMP). The purpose of this EIS is to evaluate the potential environmental consequences of implementing the program in different ways. This program (RAMP) will help landowners voluntarily develop and apply plans for reclamation, conservation, and development of eligible lands affected by coal mining. It provides cost sharing to landowners through long-term agreements, funded through congressional appropriations from RAMP funds. Comments made by: USA, DOI, HEW, USDA, EPA, AHP, TVA. (ELR Order No. 80725.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn.: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314; 202-693-6795.

Draft

Arkansas-Red River Basin Chloride Control, Texas, several counties in Oklahoma, and Kansas, July 5: The purpose of the proposed projects are to reduce by 4,185 tons per day the chloride concentration entering Keystone Lake and the Arkansas River to achieve a concentration level acceptable for municipal, industrial, and agricultural use. The proposed plan for correction in the Arkansas River basin would be to develop and operate collection and disposal facilities at four natural mineral pollution source areas located in Oklahoma. The four areas are: (1) the Salt Fork of the Arkansas River (Area I); (2) on the Cimarron River (Areas II-III); and (3) on Salt Creek, a tributary of the Cimarron River (Area IV). (Tulsa district.) (ELR Order No. 80708.)

Final

Lake Rebecca Park Development, Dakota County, Minn., July 7: Proposed is a plan

for the enhancement of fish and wildlife values and the development of public use (recreation) facilities at Lake Rebecca, located in Hastings, Dakota County, Minn., adjacent to Lock and Dam No. 2 of the Mississippi River. This statement presents information concerning existing conditions on and related to the site, and a plan based upon the needs of the community, the capability of the resource, and the willingness of the local sponsor to participate. (St. Paul District.) Comments made by: EPA, USDA, DOI, DOT, USCG, and Stage agencies. (ELR Order No. 80719.)

Dale Hollow Lake, continued operation and maintenance, Tennessee and several counties in Kentucky, July 5: Proposed is the continued operation and maintenance of a dam and lake authorized for flood control and hydroelectric power generation, and operation and management of outdoor recreation facilities at Dale Hollow Lake, Tennessee and Kentucky. Adverse impacts include: Water degradation as a result of overloaded wastewater treatment facilities, disturbance of vegetation, and boat concentrations near heavily used recreation area. Also, spawning is generally adversely affected by control of the lake for flood control. (Nashville district.) Comments made by: USDA, DOI, FPC, HEW, EPA, TVA, and State agencies. (ELR Order No. 80710.)

Draft supplement

Tulsa Urban Renewal Authority, River Parks Project, Tulsa County, Okla., July 3: This EIS supplements a final filed in December 1976 which concerned the issuance of an Army permit to the Tulsa Urban Renewal Authority. In April of 1978 this permit was transferred to the river parks authority which is now applying for revision of the permit. The revision, if approved, would allow the construction of a low water weir which was discussed on a conceptual basis in the final EIS. The proposed structure would be located on the Arkansas River in Tulsa County, Okla. (Tulsa District.) (ELR Order No. 80705.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230; 202-377-4335.

Final

Michigan CZM Program, Michigan, July 5: Proposed is the approval by the Secretary of Commerce of the Coastal Management Program Application of Michigan, pursuant to Pub. L. 92-583. Approval would permit implementation of the proposed program, allowing program administration grants to be awarded to the State, and would require that Federal actions be consistent with the program. Approval and implementation would restrict or prohibit certain land and water uses in parts of the Michigan coast, while promoting and encouraging development and use activities in other parts. Comments made by: USDA, DOC, DOD, USA, DOE, HUD, DOI, DOT, USGC, EPA, FERC, and State and local agencies, groups, and businesses.) ELR Order No. 80711.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Alexandria Smith, Environmental Protection Agency, Region X, 1200 6th Avenue, Seattle, Wash. 98101; 206-399-1595.

Final

Vancouver Lake Reclamation Study, Clark County, Wash., July 3: Proposed is the awarding of grant funds to the Port of Vancouver for the rehabilitation and restoration of Vancouver Lake. The primary objective in the restoration of Vancouver Lake is to improve the water quality and Lake conditions to the extent that residents of Clark County and the greater Portland Metropolitan Area can use and enjoy the Lake for recreational purposes, the measures outlined in the master plan for the rehabilitation of Vancouver Lake are proposed to increase the depth of the Lake to the extent that water-oriented recreation may occur within and adjacent to the Lake. (EPA-10-WA-Clark-POV-LL-77.) Comments made by: USDA, HUD, DOI, DOE, EPA, and State and local agencies, groups, and individuals. (ELR Order No. 80706.)

EPA, REGION 4

Contact: Mr. John Hagan, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308; 215-257-7458.

Draft

Swift Creek Chemical Complex, Permit, Hamilton County, Fla., July 7: This proposal concerns the issuance of an NPDES permit to the Occidental Chemical Co. for the construction of a new chemical plant in Hamilton County, Fla. The construction of the new Swift Creek Chemical Complex is part of a two-phase plan to increase the superphosphoric acid capacity of its north Florida phosphate fertilizer manufacturing complex. The facility will require approximately 50 acres for the plant and 275 acres for a cooling pond and other features. (EPA-904/9-78-012.) (ELR Order No. 80721.)

Final

Ghent Generating Station, Units 3 and 4, Carroll County, Ky., July 7: Proposed is the expansion by Kentucky utilities of the Ghent Station by adding two 500 megawatt units which will approximately double the station's electrical generating capacity. The expansion will involve: The additional clearing of 13.3 acres to add to 60 acres formerly cleared during construction of the existing units 1 and 2, two generating units, a 660 foot stack, two mechanical draft cooling towers, expansion of the switchyard, expansion of Ash Pond, new water intake and discharge structures and a 40 mile long 345 kilovolt transmission line to the Frankfort area. Adverse effects include increased noise and air pollution during construction. (EPA 904/9-78-104.) Comments made by: USDA, COE, DOC, HUD, DOI, DOE, and State and local agencies, groups and businesses. (ELR Order NO. 80727.)

FEDERAL MARITIME COMMISSION

Contact: Mr. Paul Gonzalez, Director, Office of Environmental Analysis, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573; 202-523-5835.

Final

Cargo Transport, U.S. Gulf/Atlantic to Far East, July 3: The statement concerns FMC's investigation of the transport of containerized cargoes between various U.S. Atlantic/Gulf and Far East ports. The proceeding, docket No. 73-38: *Council of North American Shipping Association, et. al.* v. *American Mail Lines Ltd. et. al.* was instituted to determine if transport of these cargoes by rail to and from Far East ports under joint rail-water through rates is contrary to sections of the Shipping Act, 1916 and violative of section 8 of the Merchant Marine Act of 1920. By the rail-water made less energy is consumed but pollutant emissions would increase by approximately 2,891 short tons over the United States. Comments made by: EPA and State agencies and business. (ELR Order No. 80702.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW, Washington, D.C. 20410; 202-755-6308.

Final

City of Aurora Housing Developments, Arapahoe County, Arapahoe County, Colo., July 3: Proposed is the approval of FHA mortgage insurance for five housing developments in Arapahoe County, Colo. The developments requesting assistance are: Tollgate Village (4,903 units), Aurora Highlands (3,790 units), Willow Park (596 units), Summer Valley Ranch (2,307 units) and Smoky Hill 400 (3,173 units). All are located within the city of Aurora with the exception of Smoky Hill 400 which is in unincorporated Arapahoe County. Adverse effects include the possibility of residences being located within zones with aircraft crash potential and zones of excess aircraft and roadway noise, increased noise, water, and air pollution will also result. (HUD-RO-8-EIS-78-IX-F.) Comments made by: AHP, EPA, HEW, DOE, USDA, DOI, HUD, and State and local agencies groups and businesses. (ELR Order No. 80704.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240; 202-343-3891.

GEOLOGICAL SURVEY

Draft

Pronghorn Mine, Mining and Reclamation Plan, Campbell County, Wyo., July 7: This action involves the approval of surface mining and reclamation plan, Pronghorn Mine, Mobile Oil-Consolidation Coal Company, Campbell County, Wyo. The plan proposes mining of about 5 million tons annually and describes mining operations of 22 years that would directly affect 1,268 acres, including 857 acres of Federal Mineral Estate. The land surface is privately owned. Coal is intended for electric power generation. (DES 78-25.) (ELR Order No. 80718.)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard I. Chais, Chief, Section of Energy and Environment, Room 3373, 12th & Constitution Ave. NW., Washington, D.C. 20423; 202-275-7692.

Draft

Southern Pacific, Discontinuance of Operation, San Mateo, Santa Clara, and San Francisco Counties, Calif., July 7: The Southern Pacific Transportation Co. proposes to discontinue its passenger train service between San Francisco, San Francisco County, through San Mateo County, to San Jose, Santa Clara County, Calif., a distance of 47 miles. If discontinuance is authorized, the primary inter-urban mass transportation system in the west bay corridor of

northern California will be eliminated. The Southern Pacific serves 24 intervening communities along the peninsula route. This petition does consider the elimination of freight service. (ELR Order No. 80726.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590; 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Reconstruction of U.S. 24, Logansport, Cass, Miami, and Wabash Counties, Ind., July 6: This project proposes the relocation of U.S. 24 located in several counties of Indiana. The relocation would begin on existing U.S. 35 west of the city of Logansport, Cass County, easterly for a varying distance (Dependent on the chosen alternative) to the U.S. 31-U.S. 24 interchange, northwest of Peru City, Miami County, Ind. A secondary terminal is being considered as the west end of the U.S. 24 Bypass around Wabash City, Wabash County. The improvement will be a four-lane divided highway with a 60-foot median, with partially controlled access. (FHWA-IND-EIS-77-03-D.) (ELR Order No. 80713)

Elkader Bypass, Iowa-3, Clayton County, Iowa, July 7: The proposed project involves the improvement of a segment of Iowa 13 in Clayton County in northeast Iowa. The proposed improvement provides for a two-lane facility for a length of approximately 2.4 miles. This statement studies four alignments, including three relocations and one reconstruction of the existing Iowa 13. Alternates are: (1) Two-lane facility following present alignment; (2) Two-lane eastern Bypass, proceeding northeast, rejoining existing alignment; (3) Two-lane partial Bypass, proceeding north, rejoining Iowa 13; and (4) Two-lane Bypass paralleling alternate 2. (FHWA-IOWA-EIS-78-02-D.) (ELR Order No. 80720.)

Forest Highway 23, White Pine, White Pine County, Nev., July 5: The proposed project consists of reconstructing Forest Highway 23, which exists as a dirt road, located in White Pines County, Nev., to recreational road standards. FH-23 begins approximately seven miles south of Ely on U.S. 6, 50, and 93, and runs easterly to Cave Lake State Recreation Area. The route continues to the north and then westerly and terminates at U.S. 93 five miles north of McGill. The project length is approximately 33.5 miles, and will have a 24-foot travel way with a proposed 200-foot right-of-way. (FHWA-NV-EIS-78-01-D.) (ELR Order No. 80709.)

Bucklin Hill Area Transportation Study, Kitsap County, Wash., July 7: The proposed project is intended to improve or supplement the existing Bucklin Hill Road located in Kitsap County, Wash. Several alternatives are being considered to relieve the current and projected traffic congestion problems on Bucklin Hill Road and in the city center of Silverdale. Alternative alignments within two corridors are being studied in detail with mass transportation proposals overlaid on each proposal. The new or improved facility will connect SR 303, Brownsville Highway on the east and the SR 3 north-south corridor on the west. (FHWA-WA-EIS-78-03-D) (ELR Order No. 80723.)

Final

Hilo Bayfront Highway, FAP 19, Hawaii, July 3: The statement concerns the construction of a 1.3 mile segment of the four-lane, divided Hilo Bayfront Highway (FAP 19) from west of the Wailoa River to the junction of Kalanianaole Avenue and Silva Street. An unspecified number of businesses will be displaced. A 4(F) statement is included concerning Honolulu Park, Banyon Drive Golf Course, and the Hilo Bay open area. (FHWA-HI-EIS-75-03-F.) Comments made by: USDA, DOT, DOI, HEW, EPA, USCG, AHP, DOC, USA, COL, COE, and State and local agencies, groups, and individuals. (ELR Order No. 80703.)

Iowa 518, Lee County, Lee, Henry, and Washington Counties, Iowa, July 6: Proposed is the construction of a six-mile segment of Iowa State arterial 518 in Lee County, Iowa. The proposed construction provides for a four-lane divided highway which would generally follow the present alignment of U.S. 61/218 between U.S. 61 and U.S. 218. Four alternative routes are offered. Adverse impacts include the acquisition of between 63 and 275 acres of land, between 7 and 29 homes and 4 to 9 businesses, depending upon the alternative selected, construction-related pollution; and increased levels of air and noise pollution. (Region 7.) (FHWA-Iowa-EIS-77-05-F.) Comments made by: HEW, HUD, USDA, DOI, EPA, COE, DOT, FEA, and State and local agencies and groups. (ELR Order No. 80715.)

Relocated S.R. 97 (Taneytown Bypass), Carroll County, Md., July 6: Proposed is the relocation of Maryland Route 97 between the crossings of Big Pipe Cr. east of Taneytown, and Piney Creek west of Taneytown. The relocations studied in this assessment are approximately 4 miles long and are located to the south of Taneytown in Carroll County. Initial construction will consist of a two-lane roadway, ultimately, a four-lane divided highway with controlled access within a minimum 200 foot right of way will be provided. Adverse effects vary subject to the alternate chosen. (Region 3.) (FHWA-MD-EIS-77-01-F.) Comments made by: DOI, COE, DOT, EPA, USDA, and State and local agencies, groups, individuals, and businesses. (ELR Order No. 80714.)

Akron Innerbelt, S.R. 59, I-76/77—S.R. 8, Summit County, Ohio, July 3: Proposed is the construction of 3.3 miles of the Akron Innerbelt, a portion of State Route 59, between I-76/77 and State Route 8, the west and north legs of the Akron Expressway System. The improvement will be a limited access highway of six lanes and two one-way marginal roads of two lanes each between Thorton Street and Market Street. Between 65 and 141 households will be displaced, subject to the alternate selected. (Region 5.) (FHWA-OHIO-EIS-77-01-F.) Comments made by: EPA, DOI, DOT, HUD, USA, USDA, USCG, and State agencies and groups. (ELR Order No. 80701.)

Allegheny Valley Expressway (L.R. 1037, 5D & 5E), Allegheny County, Pa., July 7: The proposed action is the construction of L.R. 1037-5D and 5E, the Allegheny Valley Expressway, from Bailies Run Road in East Deer Township, northward through Tarentum Borough, to Burtner Road in Harrison Township. This 4-lane limited access facility is approximately 3 miles long. Included in this proposed action is a fully directional interchange with Bull Creek Road, the widening and relocation of Bull Creek Road, and the relocation of Bull Creek and Little Bull Creek. The Expressway would result in the elimination of 200 acres of vegetation and the loss of various wildlife species. (Region 3.) (FHWA-PA-EIS-77-05-F.) Comments made by: USDA, EPA, HUD, DOI, COE, and State and local agencies, groups, individuals, and businesses. (ELR Order No. 80722.)

Final supplement

I-380, Black Hawk County, Black Hawk County, Iowa, July 6: This statement supplements a final EIS filed with CEQ in June 1975 concerning I-380 in Linn, Benton, Buchanan, and Black Hawk Counties. The supplement related to the section of I-380 from near U.S. 218 in Waterloo easterly through Evansdale to Iowa 297. Adverse impacts include the additional acquisition of 25 acres of agricultural cropland, 24 acres of municipal row-crop, 16 acres of woodland, and 3 acres of residential land. (FHWA-IOWA-EIS-71-03-FS.) Comments made by: USDA, COE, EPA, DOT, HEW, USCG, and State and local agencies. (ELR Order No. 80716.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft

Chicago-Franklin Line Rail Rapid Transit Project, Cook County, Ill., July 7: The proposed project is located in the central area of the city of Chicago, Cook County, Ill. The proposed line will be a double track rail rapid transit facility, extending Cermak Road to Willow Street connecting the Englewood/Jackson Park, and Ravenswood/Evanston services. The total length of the project is 4.65 miles; 3.53 miles underground, 0.88 miles at-grade, and 0.24 miles elevated transition to existing structure. There are five, with an optional sixth, stations planned. (UMTA-IL-23-2005.) (ELR Order No. 80724.)

[FR Doc. 78-19666 Filed 7-14-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 78-410; Docket No. 20814; Transmittal No. 12927]

AMERICAN TELEPHONE AND TELEGRAPH CO.

MEMORANDUM OPINION AND ORDER*

ADOPTED: June 15, 1978.

RELEASED: June 27, 1978.

By the Commission: Commissioner Washburn absent.

In the matter of Charges for Private Line Services Revisions of Tariff FCC No. 260 (Series 2000/3000), filed with Transmittal Nos. 12546 and 12716; Revisions of Tariff FCC No. 260 (Series 2000/3000).

1. American Telephone and Telegraph Company (AT&T) filed revisions to its Tariff FCC No. 260 under Transmittal No. 12927 [1] to become ef-

*Expanding investigation; see 41 FR 22126, June 1, 1976.

[1] Also part of A.T. & T. Transmittal No. 12927 is the addition of three locations to the rate centers used as points of connection with facilities for services to Alaska in A.T. & T. Tariff FCC No. 264. That tariff has no relation to the MPL rate structure

Footnotes continued on next page

fective June 16, 1978. The tariff filing provides for 31 additions and one deletion to the list of Category "A" Rate Centers [2] in its Multi-schedule Private Line (MPL) tariff offering for Series 2000 and 3000 channels.[3] The addition of Category "A" Rate Centers would have the effect of reducing the rates for service utilizing those rate centers. On the other hand, the reclassification of Chesire, Conn. from a Category "A" Rate Center to Category "B" will not result in rate increases for any customer, since no private line service now exists to that rate center. Southern Pacific Communications Co. (SPC) filed a petition for investigation of the tariff revisions. No pleadings were filed in response to SPC's petition.

2. We also will consider a petition filed by MCI Telecommunications Corp. (MCI) for reconsideration of the Commission's *Memorandum Opinion and Order* in Docket No. 20814, FCC 78-118 (released March 3, 1978) (Modification Order). Oppositions to that petition were filed by A.T. & T. and the Trial Staff of the Commission's Common Carrier Bureau. A response to MCI's petition was filed jointly by the American Newspaper Publishers Association, the Associated Press, Commodity News Services, Inc., Dow Jones & CO., Inc., and United Press International, Inc. (Press Parties). MCI filed a reply to the oppositions. In that Order, we modified the procedures in Docket No. 20814 so that the question of consistency of the total cost allocations to MPL with our Docket No. 18128 Decision, 61 FCC 2d 587 (1976), recon., 64 FCC 2d 971 (1977), further recon., FCC 78-104 (released February 24, 1978), would be considered in a first phase separate from the remaining issues in the proceeding.

TRANSMITTAL No. 12927

3. The reclassification of rate centers in this tariff filing is the result of what is described by A.T. & T. as a "periodic review" of rate center qualifications. A.T. & T. states that its proposed reclassification will decrease its MPL revenues by about $457,000 annually and that this decrease will have only a minimal impact upon the financial and economic material already filed in connection with the MPL offering under investigation in Docket No. 20814, 59 FCC 2d 428 (1976) (Designation Order), 62 FCC 2d 35 (1977), 65 FCC 2d 295 (1977), FCC 78-118 (released March 3, 1978) (Modification Order). A.T. & T.'s revenue assumptions are based on annualized December 1976 data which it claims "is the most recent complete inventory in a form suitable for making the necessary mechanized computations." In general, A.T. & T. has not undertaken to supply current cost support data with this most recent MPL filing, but rather relies on the existing material filed in support of MPL.

4. SPC argues that the MPL tariff revisions before us should be added to the investigation in Docket No. 20814, SPC notes that the Commission has already expanded the MPL investigation in Docket 20814 to include an earlier A.T. & T. revision to the MPL Tariff (Transmittal No. 12716)[4] and urges that the rationale of that decision is equally applicable here. SPC maintains that consistency and the need of the Commission to preserve jurisdiction over the entire rate structure in Docket 20814 requires that the instant transmittal be added to the ongoing investigation of MPL.

5. As already stated, A.T. & T. refers to material previously filed in Docket No. 20814 to serve as its cost support data for this tariff filing. This material was filed on May 14, June 21, July 9, July 19, August 4, August 18, 1976 and June 8, August 8 and August 12, 1977. Section 61.38 of the Commission's Rules requires the filing of economic data and information to support tariff changes. This material must include:

(i) For changed matter, a cost of service study for all elements of costs for the most recent 12-month period; and for changed and new matter a study containing a projection of costs for a 3-year period beginning at the date of the filing of the tariff matter; and

(ii) Estimates of the effects of the changed or new matter upon the carrier's traffic and revenues * * *. Estimates should include * * * data for the most recent 12-month period and projections for a 3-year period beginning at the filing of the changed or new matter.

47 CFR § 61.38(a)(i)—(ii). [Emphasis added.] It is evident from those portions of the rule emphasized above that A.T. & T.'s reference to the previously filed material is inadequate. The information must relate to the time of the filing. The previously filed material is insufficient in this instance because it does not cover the proper time period.

6. Absent other factors, we would normally reject this tariff filing for failure to include proper cost data. However, we do not believe the public interest would be served by a rejection of A.T. & T.'s filing at this time. The instant tariff filing involves a relatively minor change. A.T. & T. has simply "reclassified" certain cities, based on updated traffic information. The criteria for the selection of Category A and B rate centers,[5] as well as the rate structure of the MPL offering itself, remain unchanged. The impact of A.T. & T.'s reclassification on the rate level for MPL is, as A.T. & T. states, minimal. Thus, for calendar year 1976, relying on A.T. & T. figures, MPL had net operating earnings of $84.3 million on a total net investment of $645.8 million. A revenue decrease of $457,000 will not significantly affect A.T. & T.'s return on investment for MPL which—at 13.05 percent—was substantially in excess of the 9.5 to 10 percent range allocated in Docket No. 20376, 57 F.C.C. 2d 960 (1976).

7. The immediate competitive impact of A.T. & T.'s filing here would likewise appear to be insignificant. A.T. & T. undisputedly states that only one city reclassified is served by a specialized Common Carrier. Significantly, although SPC argues that the A.T. & T. filing is deficient and in violation of section 61.38 of the Commission's Rules, neither SPC nor any other party has requested that A.T. & T.'s instant tariff filing be rejected. Rather, as already noted, SPC urges that the changes made by A.T. & T. in this filing be included within the second phase of Docket No. 20814.

8. Under the circumstances present here, we are disposed to follow this course and grant SPC's petition for investigation. A.T. & T.'s reclassification is basically a rate decrease for a service which, at least according to the cost support submitted by A.T. & T. in the MPL proceeding and its most recent central submission, is earning substantially in excess of 9.5 percent. Under these circumstances, we are reluctant to deny customers rate reductions to which they may ultimately be determined to be entitled, particularly in the absence of any countervailing competitive considerations. Therefore, we are waiving the requirements of Section 61.38 of the Rules sua sponte. This waiver applies only to the filing made with Transmittal No. 12927, pending final disposition of these matters in Docket No. 20814, and does not relieve A.T. & T. from supplying any support data that may be required during the course of the investigation.

9. Although we are not rejecting the tariff filing, questions are raised which require investigation into the lawful-

---

Footnotes continued from last page
and therefore is not included in the Docket No. 20814 investigation.

[2] A Category "A" Rate Center is a specified geographic location designated as such on the basis of interexchange channel facility characteristics. The interexchange channel rates that apply to such rate centers are lower than those that apply to Category "B" Rate Centers.

[3] The original MPL tariff filing was filed under A.T. & T.'s Transmittal No. 12546 on April 19, 1976 and is under investigation in Docket 20814, along with subsequent revisions filed under Transmittal No. 12716.

[4] 65 F.C.C. 2d 295.

[5] These criteria were provided to the Commission in April 1976 at the time of the original MPL filing (Volume 1, Description and Justification, Tab 2, pp. 4-9).

ness of the proposed tariff revisions. These revisions retain the elements of the MPL rates and rate structure filed under A.T. & T. Transmittals Nos. 12546 and 12716 currently under investigation in Docket No. 20814. The investigation would be incomplete if these most recent revisions to the MPL tariff were not included in the proceeding. For these reasons, we are expanding Docket No. 20814 to include the proposed revisions to the MPL tariff filed accompanying Transmittal No. 12927.[6] This determination is similar to our action including A.T. & T. Transmittal No. 12716 in the MPL investigation at 65 FCC2d 295. By expanding Docket No. 20814, we do not mean to alter that portion of the proceeding considering the cost allocation issues already underway. Rather, the questions raised by Transmittal No. 12927 should be considered in the rate structure phase as the Administrative Law Judge deems appropriate.

10. We wish to make it clear, however, that we are not unmindful of the violation of our rules which has occurred here. This is the second time that A.T. & T. has filed modifications of its MPL tariff without complying with the requirements of section 61.38. Neither this waiver nor the prior waiver granted A.T. & T. in Transmittal No. 12716 should be interpreted as a general relaxation of the enforcement of the requirements of section 61.38. On the contrary, we will act to protect the integrity of our rules in appropriate circumstances and will expect A.T. & T. to fully comply with the requirements of the Rules in future tariff filings of this nature or to request a waiver of those Rules if it considers such relief warranted.

MCI's Petition for Reconsideration

11. MCI seeks reconsideration of the Modification Order in this proceeding and requests that the Commission reject the MPL tariff and order A.T. & T. to file the Series 2000/3000 Voice Grade Private Line rates in effect prior to the deaveraged Hi-Lo tariff (i.e., the averaged rates in effect in 1974). In support of the petition, MCI argues that A.T. & T. has consistently failed to provide data in support of its MPL tariff required by Section 61.38 of the Commission's Rules and Commission directives. MCI contends that further delays in the Docket No. 20814 proceeding, as indicated by the Modification Order, have an adverse effect on competitors of MPL. MCI also alleges that the Commission has rejected other A.T. & T. tariff filings under circumstances similar to those present here. The Press Parties generally support MCI's position, but contend that A.T. & T. should be ordered to return to the private line rates which the Commission prescribed in the *Private Line Rate Cases*, 34 FCC 2d 217 (1963), aff'd sub nom. *Wilson & Co.* v. *U.S.*, 335 F.2d 788 (7th Cir. 1964), cert. denied, 380 U.S. 951 (1965).

12. A.T. & T. argues that the MCI petition seeks reconsideration of an interlocutory procedural order and is therefore in violation of section 1.106 of the Rules, 47 CFR § 1.106, which prohibits such requests. A.T. & T. maintains that the Modification Order did not make any determination as to the adequacy of the MPL tariff support data and thus cannot be used as a basis for rejection. A.T. & T. claims that a Commission prescription of rates to replace MPL without an opportunity for hearing would violate sections 204 and 205 of the Communications Act, 47 U.S.C. §§ 204, 205. The Trial Staff argues that no basis for prescription of rates exists at this time in Docket No. 20814. Since such a basis is necessary for a prescription, the Trial Staff contends that the relief requested by MCI should be denied. However, the Trial Staff argues that once exhibits have been received into evidence and witnesses present their testimony and are cross-examined, some type of relief may be appropriate. The Trial Staff suggests that if relief is warranted at that time, the procedures might be altered so that the record is certified to the Commission for a final decision in the first phase of Docket No. 20814.

13. Although there is merit to A.T. & T.'s section 1.106 procedural argument, we believe that the public and the parties would benefit from our consideration of MCI's Petition for Reconsideration on the merits. We have previously denied requests for rejection and a "roll-back" to pre-Hi-Lo rates. See 59 FCC 2d 428, 432-33, and 65 FCC 2d 295, 302-04 (1977). Nevertheless, MCI submits that we have subsequently rejected other A.T. & T. tariffs under circumstances similar to those present in this case. In support of its contention, MCI cites *A.T. & T. Series 7000 Transmittal No. 12793*, FCC 77-804 (released March 30, 1978) and *A.T. & T. DDS Transmittal No. 12790*, FCC 78-19 (released March 30, 1978).

14. In the present case, the hearing on the cost allocation issues of the MPL tariff has already commenced and will be conducted on an expedited basis, with an Initial Decision expected by December 1978. Accordingly, we accept the Trial Staff's suggestion that if A.T. & T.'s submission is shown to be so deficient that some type of extraordinary relief, including rejection, is justified at the conclusion of the cost allocation stage of the hearing, the Administrative Law Judge can then certify the matter to us together with his recommendations and we will expedite consideration of the case.

15. Accordingly, *it is ordered*, That Southern Pacific Communications Company's Petition for Investigation of the revisions to A.T. & T.'s Tariff FCC No. 260 filed with A.T. & T. Transmittal No. 12927 is granted.

16. *It is further ordered*, That the scope of this proceeding, Docket No. 20814, is expanded to include an investigation into the lawfulness of the above-captioned tariff revisions.

17. *It is further ordered*, That the Secretary shall cause a copy of this Memorandum Opinion and Order to be published in the Federal Register.

18. *It is further ordered*, That the requirements of 47 CFR § 61.38 are waived sua sponte to the extent indicated above, insofar as they apply to A.T. & T. Transmittal No. 12927.

19. *It is further ordered*, That the Petition for Reconsideration of the Memorandum Opinion and Order in Docket No. 20814, FCC 78-118 (released March 3, 1978) filed by MCI Telecommunications Corporation is denied.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-19523 Filed 7-14-78; 8:45 am]

[6] We hereby delegate authority to the Chief, Common Carrier Bureau to consider any future revisions to the MPL tariff filed by A.T. & T. during the pendency of Docket No. 20814, including related petitions, and to order consolidation of such revisions with that proceeding as appropriate.

[6712-01]

[GEN Docket No. 78-192; FCC 78-447]

HOSIDEN ELECTRONICS CO., LTD.

Order to Show Cause

Adopted: June 28, 1978.

Released: July 14, 1978.

By the Commission: Commissioner Quello absent.

1. On July 14, 1972, Hosiden Electronics Co., Ltd., 4-33 Kitakyuhoji, 1-Chome, Yao-Shi, Osaka, 581, Japan, submitted an application for type approval under Part 15 of the Commission's rules for a Model No. FTM-13EA FM wireless microphone transmitter.

2. The application consisted of the necessary paperwork and a sample unit for FCC testing. It was supported by a report of measurements performed by Japan Machinery and Metals Inspection Institute (JMI) demonstrating technical compliance with the FCC rules. Based upon review of the material filed and the results of the FCC tests, type approval was issued on August 24, 1972. FCC Type Approval Number WM-138 was assigned.

3. Under the authority in Sections 2.936 and 2.945 of the FCC rules, the

Commission routinely tests samples of equipment which has already been FCC authorized. Such tests are performed, as stated in Section 2.945, "* * * to determine the extent to which subsequent production of such equipment continues to comply with the data filed by the applicant (or measured by the Commission in the case of type approved equipment)." As part of our sampling program, nine grantees of type approved wireless microphones were requested to submit a designated sample. Hosiden Electronics Co., Ltd., one of the nine grantees, was requested to submit a current production sample of their Model FTM-13EA to the Commission's Laboratory for testing, so that a determination could be made concerning the capability of the device to comply with the applicable technical standards; and also, to verify that the information originally filed with the Commission still applies.[1]

4. Hosiden Electronics Co., Ltd., submitted a sample of this model to the Commission. Our measurements show that the sample does not comply with the FCC technical specifications.[2] We note further that the technical characteristics of the current production sample do not compare closely to those of the sample submitted originally for type approval.

5. The measurement techniques used by the Commission for testing wireless microphones are detailed in our bulletin OCE 19.[3] In this proceeding we are interested in four of the pertinent technical standards: tuning range, emission bandwidth, level of the fundamental emission, and the levels of the spurious emissions. By limiting these characteristics, it is the intent of the Commission to minimize the possibility of the device causing interference to other communication services—even though it operates in the FM broadcast band. Of particular concern is the level of the emissions at the fundamental frequency (the desired communication signal) and its spurious emissions (undesired and capable of causing interference to other authorized radio services). The level of these emissions, the field strength, is measured in terms of microvolts per meter (μV/m). The table below compares the FCC's technical standards, the technical characteristics of the sample upon which type approval was originally based, and the technical characteristics of the current production sample.

	Tuning range (MHz)	Emission bandwidth (kHz)	Fundamental emission (μV/m at 15 meters)	Spurious emission (μV/m at 3 meters)
FCC limit	88 to 108	200	50	40.
Hosiden Model FTM-13EA (type approval for sample)	89.82 to 103.35	30 (+15;−15)	12.5	4.8 at 180 MHz.
Hosiden Model FTM-13EA (post-grant sample)	88.3 to 105.2	8000 (+800;−7200)	158	1777 at 315 MHz.

6. A review of the above data indicates that the post-grant sample of the Model FTM-13EA submitted for evaluation by Hosiden does not comply with the Commission's rules. It is immediately clear that the sample exceeds the limits for emission bandwidth, and fundamental and spurious emissions. Further study reveals that, due to excessive bandwidth, the unit also does not meet the tuning range restriction.

7. On the basis of the above measurement data, the Commission must conclude that the equipment currently marketed, and possibly those units marketed since type approval was issued, do not conform to the FCC rules.

8. Accordingly *it is ordered*, pursuant to Section 312 (b) and (c) of the Communications Act of 1934, as amended, that the grantee show cause why the type approval for Model No. FTM-13EA wireless Microphone should not be withdrawn, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by a subsequent order; and

9. *It is further ordered*, That a copy of the order with attachment shall be sent by airmail, to the grantee at his last known address, Hosiden Electronics Co., Ltd., 4-33 Kitakyuhoji, 1-Chome, Yao-Shi, Osaka, 581, Japan.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

In the matter of Hosiden Electronics Co., Ltd., 4-33 Kitakyuhoji, 1-Chome, Yao-Shi, Osaka, 581, Japan.

Order to Show Cause why the type approval for Model No. FTM-13EA Wireless Microphone should not be withdrawn.

RESPONDENT'S REPLY TO ORDER TO SHOW CAUSE

In response to the above-mentioned Order to Show Cause, Respondent hereby informs the Commission by the placing of a check mark in one of the brackets opposite one of the three items listed below, which course of action he will take in the above-entitled matter:

[ ] 1. Respondent will appear and present evidence at the hearing.
[ ] 2. Respondent waives his right to a hearing in the above-entitled matter and does not submit a written statement.
[ ] 3. Respondent waives his right to a hearing in the above-entitled matter and submits the attached written statement.*

Respectfully submitted,

Date ————, 197—.

————,
Respondent.

*If this statement is intended to be in mitigation, it should include information as to (1) the corrective action, if any, that has been taken in connection with each of the related violations, (2) the reasons, if any, why you believe that your equipment authorization should not be revoked. If a violation of Section 1.89 (failure to reply) of the Commission's Rules is involved, state the reasons why you did not timely answer the Commission's Official Notice of Violation and/or further correspondence and the action, if any, you have taken to assure prompt response to Commission notices and correspondence in the future.

Section 1.91 of the Commission's Rules provides that a licensee, in order to avail himself of the opportunity to be heard in a hearing presided over by an Administrative Law Judge, shall file with the Commission, within 30 days after service of the Order to Show Cause, a written statement that he will appear at the hearing and present evidence on the matter specified in the Order. If Respondent is unable to appear at a hearing held in Washington, D.C., he may request that the hearing be held at a location near his residence. Any such request should contain whatever facts Respondent feels necessary in support of this request.

The right to a hearing is waived if the licensee (1) fails to file a timely written appearance, or (2) files with the Commission, within the time specified for a written appearance, a written statement expressly waiving the right to a hearing. When hearing is waived, the licensee, within the time specified for written appearance, may submit to the Commission a written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the Order to Show Cause. When a hearing is waived, the Chief Administrative Law Judge will issue an order certifying the case to the Commission.

[FR Doc. 78-19524 Filed 7-14-78; 8:45 am]

[1] Letter request dated August 9, 1977, File Reference 6810/EQU 4-6-1.
[2] 47 CFR 15.162.
[3] Available from the Federal Communications Commission, Office of Chief Engineer, Laboratory Division, P.O. Box 40, Laurel, Md. 20810.

[6730-01]

FEDERAL MARITINE COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif., Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by July 27, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory of unfair as between carriers, shippers, exporters, importers, or ports, or between exporters, from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

AGREEMENT NO.: T-3677.

FILING PARTY: Richard Szczepaniak, Staff Counsel, Toledo-Lucas County Port Authority, 241 Superior Street, Toledo, Ohio 43604.

SUMMARY: Agreement No. T-3677, between the Toledo-Lucas County Port Authority (Port) and Mid States Terminals, Inc., (MST), provides for Ports lease to MST of certain land, facilities and equipment owned by the Port and to be used for the construction of a grain elevator and adjacent dock. This agreement is being entered into in connection with the issuance of First Mortgage Revenue Bonds totalling $17,250, for the financing of the proposed construction. As compensation, MST shall service the debt on the Bonds and reimburse the Port for all reasonable expenses related to the construction of the facility. MST shall purchase the leased facility for $100 at the cancellation, termination or expiration of the Lease Term and following full payment of the Bonds. In addition, MST shall have the option to purchase any unimproved part of the leased land at a purchase price equal to the fair market value of the property.

By Order of the Federal Maritime Commission.

Dated: July 11, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-19508 Filed 7-14-78 8:45 am]

[6730-01]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (Stat. 422 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

AA Triangle Transfer and Warehouse Co., Inc., 300 Northwest 67th Street, Miami, Fla. 33138. Officers: James H. Jacoby, President/Secretary/Treasurer; Miriam R. Jacoby, Vice President; Mina K. Jacoby, Director.

Sabine International (Sabine E. Bezem, d.b.a.), 7430 Troulon, Houston, Tex. 77074.

Kopicki Shipping Co. (Edward V. Kopicki, d.b.a.), 4471 Northwest 36th Street, Suite 201, Miami Springs, Fla. 33166.

Davison International Co. (Douglas A. Davison d.b.a.), P.O. Box 2089, Port Road Five, Stockton, Calif. 95201.

Kenneth J. Carroll, 33-19 170th Street, Flushing, N.Y. 11358.

Francisco International Forwarding (Francisco Marquez de la Plata, d.b.a.), 2187 Feliz Drive, Novato, Calif. 94947.

Air/Compak, Inc., 1054 South Harbor City Blvd., Suite 2, Melbourne, Fla. 32901. Officers: Thomas Davis, President; Fletcher Admidon, Vice President; Valeria Capparelli, Secretary; Agnes Amidon, Treasurer.

Mersant International Ltd., 145-40 157th Street, Jamaica, N.Y. 11434. Officers: Joseph E. Harder, President; Charles Merendino, Vice President; Joseph Santarelli, Jr., Treasurer; Charles Santarelli, Secretary.

Shigehiro Uchida, 2111 West 169th Place, Torrance, Calif., 90504.

Tsuyoshi Nakamura, 1031 West Manchester Blvd., Inglewood, Calif. 90301.

Mateus Shipping Corp., 42 Broadway, New York, N.Y. 10004. Officers: Jose Mateus, President/Treasurer; Elizabeth Mateus, Vice President; Carlos Mateus, Secretary.

Servi-Cargo, Inc., 7846 Northwest 57th Street, Miami, Fla. 33166. Officers: Oscar L. Ros, President; Manuel Garcia-Rubio, Secretary.

Miriam Padreda, 7410 Southwest 82nd Street, No. K-402, Miami, Fla. 33143.

Flamingo Freight Forwarders (Daniel G. Eilyn, d.b.a.), 5336 West 4th Lane, Hialeah, Fla. 33012.

World Shipping, Inc., P.O. Box 12422, Norfolk, Va. 23502. Officers: Ann Marie Booth, President; Marshall Booth, Vice President; Marsha Ann Booth, Secretary/Treasurer.

Wallace P. Tripplett, 11620 South Throop Street, Chicago, Ill. 60643.

Aloyd Forwarding Co., Inc., 140 Cedar Street, Room 602, New York, N.Y. 10006. Officers: Lloyd S. Steiker, President; Albert Reinstein, Exec. Vice President; Joseph M. Garcia, Vice President.

Florida Crating International Corp., 2215 Northwest 70th Avenue, Miami, Fla. 33122. Jose M. Carbonell, President/Director; Marlene Migoya, Vice President/Director; Margarita Carbonell, Secretary/Treasurer/Director.

T. J. Colbeck & Co. (New York), Inc., 30 Vesey Street, New York, N.Y. 10007. Officers: Anthony J. Colbeck, President; David P. Colbeck, Vice President; Grace Johnston, Vice President; Colin Unsworth, Vice President; Anthony Pustorino, Treasurer; Lawrence Zeff, Assistant Treasurer; Ed O'Hanlon, Secretary.

By the Federal Maritime Commission.

Dated: July 7, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-19507 Filed 7-14-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

CITIZENS BANCSHARES, INC.

Formation of Bank Holding Company

Citizens Bancshares, Inc., Somerset, Ky., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80.2 percent of the voting shares of Citizens National Bank, Somerset, Ky. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 9, 1978.

Board of Governors of the Federal Reserve System, July 10, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-19501 Filed 7-14-78; 8:45 am]

[6210-01]

FIRST WEST FARGO HOLDING CO.

Formation of Bank Holding Company

First West Fargo Holding Co., West Fargo, N. Dak., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C.

§ 1842(a)(1)) to become a bank holding company by acquiring 85.7 percent or more of the voting shares of First National Bank, West Fargo, N. Dak. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 14, 1978.

Board of Governors of the Federal Reserve System, July 10, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-19502 Filed 7-14-78; 8:45 am]

[6210-01]

F.N.B.C. OF LAGRANGE, INC.

Acquisition of Additional Shares of Bank

F.N.B.C. of LaGrange, Inc., LaGrange, Ill., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire up to an additional 26,000 voting shares of First National Bank of LaGrange, LaGrange, Ill., of which it presently holds 30 percent of the outstanding voting shares. The factors that are considered in acting on the application are set forth in § 3(c) of the act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 3, 1978.

Board of Governors of the Federal Reserve System, July 10, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-19503 Filed 7-14-78; 8:45 am]

[6210-01]

THE RETIREMENT RESEARCH FOUNDATION

Formation of Bank Holding Company

The Retirement Research Foundation, Park Ridge, Ill., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1) to become a bank holding company by acquiring 99 percent or more of the voting shares of Citizens Bank & Trust Co., of Park Ridge, Ill., Park Ridge, Ill. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 10, 1978.

Board of Governors of the Federal Reserve System, July 11, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-19504 Filed 7-14-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COMMITTEE ON BLACK HIGHER EDUCATION AND BLACK COLLEGES AND UNIVERSITIES

Meeting

AGENCY: National Advisory Committee on Black Higher Education and Black Colleges and Universities.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a Special Committee meeting of the National Advisory Committee on Black Higher Education and Black Colleges and Universities. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I). This document is intended to notify the general public of their opportunity.

DATE: August 3, 1978, 9 a.m.-4 p.m., August 4, 1978, 9 a.m.-12 Noon.

ADDRESS: Education Division Conference Center, Room 3000, FOB-6, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Ms. Carol J. Smith, Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities, Room 4913, ROB -3, 400 Maryland Avenue SW., Washington, D.C. 20202; 202-245-2825 or 245-2352.

The National Advisory Committee on Black Higher Education and Black Colleges and Universities is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90-247 as amended; 20 U.S.C. 1233 et seq.) and the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of the advisory committees.

The Committee is directed to advise the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, and the Commissioner of Education. The Committee shall examine all approaches to higher education of Black Americans as well as the needs of historically Black colleges and universities.

The meeting on August 3 and 4, 1978 will be open to the public from 9 a.m.-4 p.m. on August 3 and from 9 a.m.-12 Noon on August 4. It will be held at 400 Maryland Avenue SW., Washington, D.C. 20202.

The proposed agenda includes: A review of the Title III regulations for student financial assistance programs, the reauthorization of higher education legislation, and a proposed comprehensive Education Policy for Black Americans and Black Colleges and Universities.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the National Advisory Committee on Black Higher Education and Black Colleges and Universities, located at 7th and D Streets SW., Room 4913, ROB-3, Washington, D.C.

Due to the limited space, guests will be seated during the meeting on a first come basis.

Signed at Washington, D.C. on July 11, 1978.

CAROL J. SMITH,
Program Delegates, National Advisory Committee on Black Higher Education and Black Colleges and Universities.

[FR Doc. 78-19657 Filed 7-14-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Chester L. Yntema, Ph. D. Department of Anatomy, 766 Irving Avenue, Syracuse, N.Y. 13210.

The applicant requests a permit to take 300 American alligators (*Alligator missippiensis*) and 300 leatherback sea turtles (*Dermochelys coriacea*) per year for scientific purposes to study effect of incubation temperatures on determining sex. Eggs will be obtained from Bureau of Fish and Wildlife of the Virgin Islands and through cooperation of George Campbell, International Coordinator of the fund for Animals. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been asssigned file number PRT 2-2618. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before Aug. 16, 1978. Please refer to the file number when submitting comments.

Dated: July 12, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-19574 Filed 7-14-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: C. Wayne Eshelman, 1355 NE Thompson Dr. Bend, Oreg. 97701.

The applicant wishes to apply for an Endangered Species permit to import egg shell fragments of the brown pelican (*Pelicanus occidentalis*) already collected from the Galapagos Archipelago.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2597. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before August 16, 1978. Please refer to the file number when submitting comments.

Dated: July 12, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-19570 Filed 7-14-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Lincoln Park Zoological Gardens, 2200 North Cannon Drive, Chicago, Ill. 60614.

The applicant requests a permit to import from the Smithsonian Institutions' Research Institution on Barro Colorado Island, Panama Canal Zone, one red-bellied spider monkey (*Ateles geoffroyi panamensis*) for propagation purposes. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by written to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2749. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before August 16, 1978. Please refer to the file number when submitting comments.

Dated: July 12, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-19571 Filed 7-14-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Regional Director, Region 2, W. O. Nelson, Jr., U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103.

The applicant requests a permit to conduct activities which are further described in his application or included in current Recovery Plans to enhance the survival of the following endangered or threatened species:

Mammals

Sonoran pronghorn, *Antilocapra americana sonoriensis.*
Gray wolf, *Canis lupus.*
Jaguarundi, *Felis yagouaroundi.*
Ocelot, *Felis pardalis.*
Red Wolf, *Canis rufus.*
Gray bat, *Myotis grisescens.*
Indiana bat, *Myotis sodalis.*
Black-footed ferret, *Mustela nigripes.*

Birds

Masked bobwhite, *Colinus virginianus ridgwayi.*
Mexican duck, *Anas platyrhyncus diazi.*
Bald eagle, *Haliaeetus leucocephalus.*
Peregrine falcon, *Falco peregrinus tundrius, F. p. anatum.*
Brown pelican, *Pelecanus occidentalis.*
Yuma clapper rail, *Rallus longirostris yumanensis.*
Whooping crane, *Grus americana.*
Attwater's prairie chicken, *Tympanuchus cupido attwateri.*
Red-cockaded woodpecker, *Dendrocopos borealis.*

Reptiles and Amphibians

American alligator, *Alligator mississippiensis.*
Texas blind salamander, *Typhlomolge rathbuni.*
Houston toad, *Bufo houstonensis.*
Hawksbill sea turtle, *Eretmochelys imbricata.*
Atlantic ridley sea turtle, *Lepiodochelys kempii.*
Leatherback sea turtle, *Dermochelys coriacea.*

Fish

Commanche springs pupfish, *Cyprinodon elegans.*
Pecos gambusia, *Gambusia nobilis.*
Clear Creek gambusia, *Gambusia heterochir.*
Big Bend gambusia, *Gambusia gaigei.*
Fountain darter, *Ethesotoma fonticola.*
Gila topminnow, *Poeciliopsis occidentalis.*
Humpback chub, *Gila cypha.*
Colorado squawfish, *Ptychocheilus lucius.*
Woundfin, *Plagopterus argentissimus.*
Leopard darter, *Percina pantherina.*
Gila trout, *Salmo gilae.*

Invertebrates

Socorro isopod, *Exosphaeroma thermophilum.*

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2588. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before August 16, 1978. Please refer to the file number when submitting comments.

Dated: July 12, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-19572 Filed 7-14-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: U.S. Fish and Wildlife Service, 300 Ala Moana Blvd., Honolulu, Hawaii 96850.

The applicant requests a permit to take (capture) three pairs of Laysan ducks (*Anas laysanensis*) from Laysan Island, to become part of the breeding stock at the Hawaiian Fish and Game propagation facilities. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2792. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before August 16, 1978. Please refer to the file number when submitting comments.

Dated: July 12, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-19573 Filed 7-14-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: U.S. Army Engineer District, Vicksburg, P.O. Box 60, Vicksburg, Miss. 39180.

The applicant requests a permit to take (harass) Florida panthers (*Felis concolor coryi*) by the use of dogs to photograph them and so establish whether or not they are present in the Lower Tensas Basin in Louisiana.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2660. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July. Please refer to the file number when submitting comments.

Dated: July 12, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-19569 Filed 7-14-78; 8:45 am]

[4310-55]

SCRIPPS INSTITUTION OF OCEANOGRAPHY

Issuance of Permit for Marine Mammals

On March 9, 1978, a Notice was published in the FEDERAL REGISTER (42 FR 78-6194) that an application had been filed with the Fish and Wildlife Service by Scripps Institution of Oceanography for a permit to take twenty-five sea otters (*Enhydra lutris*) in Alaska for purposes of scientific research.

Notice is hereby given that on June 14, 1978, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to Scripps Institution of Oceanography authorizing the capture of eight (8) walrus pups for educational display subject to certain conditions set forth therein. The remainder of their request is still undergoing review. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service (WPO), 1717 H Street NW., Room 534, Washington D.C.

Dated: July 12, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-19568 Filed 7-14-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C. or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications on or before August 16, 1978, by submitting written data, views, or arguments to the Director at the above address.

Applicant: Russell F. Armacost, 100 Hanover Pike, Hampstead, Md. 21074. PRT 2-2595.

Applicant: Elmer E. and Margaret A. Lloyd, 36929 Southeast Deming Rd., Sandy, Oreg. 97055. PRT 2-2565.

Applicant: Charles A. Jackson, Jr., Star Rt. 1, Box 218F, Haworth, Okla. 74740. PRT 2-2689.

Applicant: Maresa Co., Inc., 764 Ora Avo. Dr., Vista, Calif. 92083. PRT 2-2617.

Applicant: Bill L. and Virginia Miller, R.D. No. 1, Box 97, Gratiot, Wis. 55541. PRT 2-2724.

Applicant: Timothy Kelly Rowe, Rt. 1, Box 143, Aurora, N.C. 27806. PRT 2-2723.

Please refer to the individual applicant and the appropriately assigned PRT 2-file number when submitting comments.

Dated: July 12, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-19575 Filed 7-14-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Dr. Lawrence J. Foerder, 9000 Beachy Ave., Arleta, Calif. 91771.

The applicant wishes to apply for a Captive-Self Sustaining Population permit authorizing the purchase and sale for propagation those species of mammals listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2526. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before August 16, 1978. Please refer to the file number when submitting comments.

Dated: July 12, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office.

[FR Doc. 78-19576 Filed 7-14-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Sherley Hop, 4141 72nd Ave., Zeeland, Mich. 49464.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2790. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before August 16, 1978. Please refer to the file number when submitting comments.

Dated: July 12, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-19577 Filed 7-14-78; 8:45 am]

[4310-31]

Geological Survey

KNOWN RECOVERABLE COAL RESOURCE AREA

Spiro-Bokoshe, Okla.

Pursuant to authority contained in the act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 2, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of Oklahoma have been classified as subject to the coal leasing

provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(36) Oklahoma

Spiro-Bokoshe (Oklahoma) Known Recoverable Coal Resource Area; March 27, 1978; 15,353 acres.

A diagram showing the boundaries of the area classified has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Federal Center, Denver, Colo. 80225.

Dated: July 6, 1978.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-19605 Filed 7-14-78; 8:45 am]

[4310-31]

KNOWN RECOVERABLE COAL RESOURCE AREA

Blocker, Okla.

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of Oklahoma have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(36) OKLAHOMA

Blocker (Oklahoma) Known Recoverable Coal Resource Area; May 4, 1978; 7,968 acres.

A diagram showing the boundaries of the area classified has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Federal Center, Denver, Colo. 80225.

Dated: July 6, 1978.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-19606 Filed 7-14-78; 8:45 am]

[4310-05]

Office of Surface Mining Reclamation and Enforcement

ADVISORY COMMITTEE ON MINING MINERAL RESOURCES RESEARCH

Rescheduling of Initial Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I) and the Office of Management and Budget's Circular No. A-63, Revised.

Due to unforseen delays in chartering the above refereńced Advisory Committe and naming its members, it has been necessary to delay the Committee's initial meeting from an earlier scheduled date. the Advisory Committee on Mining Mineral Resources Research will meet from 9 a.m. to 5 p.m. (or completion of business) on August 10 and 11, 1978, in Room 7000A and B, Department of the Interior, 18th and C Streets NW., Washington, D.C.

The meeting will deal with the following principal subjects:

1. Opening statement—Director Walter N. Heine;

2. Description of functions and role of the Advisory Committee—Assistant Director David R. Maneval;

3. Evaluation of potential institutions and recommendations for designation by the Director as Mineral Institutes;

4. Review of candidate research projects for submission to the Mineral Institutes;

5. Policies, responsibilities and future activities of the Advisory Committee.

The meeting of this Committee is open to the public. Approximately 75 visitors can be accommodated on a first come, first serve basis. Written statements concerning the subjects are welcome.

Visitors who expect to attend should make this known no later than August 8, 1978 to: David R. Maneval, Assistant Director—Technical Services and Research, Office of Surface Mining, Room 114, South Interior Building, 19th and Constitution Avenue NW., Washington, D.C. 20240. Phone: 202-343-4264.

Dated: July 12, 1978.

DAVID R. MANEVAL,
Assistant Director, Technical Services and Research.

[FR Doc. 78-19544 Filed 7-14-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-38]

CERTAIN FOOD SLICERS

Commission Determination, Order and Memorandum Opinion

PROCEDURAL HISTORY

On April 11, 1978, the Commission Investigative Attorney, Complainant Prodyne Enterprises, Inc., and Respondents Federated Department Stores, Inc., and Carson Pirie Scott & Co. (hereinafter collectively referred to as "movants") filed, pursuant to § 210.51 of the Commission's rules of practice and procedure (hereinafter "CRPP") (19 CFR 210.51), a motion to terminate this investigation as to all issues and with respect to all Respondents (see Joint Motion to Terminate, filed April 11, 1978). The Presiding Officer, acting in conformity with CRPP sections 210.51(c) and 210.53 (19 CFR 210.51(c) and 210.53), concluded that no present violation of section 337 of the Tariff Act of 1930 (hereinafter "Section 337") exists with respect to the importation of the food slicers which are subject to the Commission's investigation and recommended, by Order of May 4, 1978, (see Order Recommending Termination of Investigation, filed May 4, 1978), that (1) the Commission find that no current violation of section 337 exists with respect to the importation of the subject food slicers, and (2) the Commission grant the Joint Motion and thereby terminate the instant investigation as to all issues and all Respondents. It is the purpose of this Memorandum Opinion to consider the Presiding Officer's Recommendation and to rule on the Joint Motion to Terminate.

DETERMINATION AND ORDER

Having considered (1) the Joint Motion to Terminate (Motion Docket No. 38-1) together with supporting affidavits and assurances, and (2) the Presiding Officer's recommendation of May 4, 1978, in the context of the record in the instant investigation the Commission determines that no violation of section 337 presently exists by reason of the importation of the food slicers which are subject to the Commission's investigation.

Therefore, the Commission grants the Joint Motion to Terminate (Motion Docket No. 38-1) and orders that the instant investigation be and hereby is terminated as to all issues and all Respondents without prejudice.

OPINION

Movants have indicated that no unfair methods of competition or

unfair acts in the importation and sale of the subject food slicers into the United States presently exist, and, accordingly, that no injury or tendency of injury to a domestic industry presently exist. Movants support their motion by affidavits and assurances with respect to present and future imports of the subject food slicers. First, Respondents Federated Department Stores, Inc., and Carson Pirie Scott & Co. filed affidavits (see affidavit of Richard J. Boynton, Assistant Counsel for Federated Department Stores, Inc., of December 23, 1977, and affidavit of William R. Jindra, Divisional Merchandise Manager of Carson Pirie Scott & Co., of December 22, 1977, respectively) stating that they are no longer importing the food slicer in question and that they have no intention of importing the item in the future. In addition, Respondent Scan Look submitted correspondence containing assurances that further exports to the United States of the subject food slicers will not be made by it (see letter from P. Heimburger, General Manager, Scan Look, to Kenneth R. Mason, Secretary to the U.S. International Trade Commission, of January 3, 1978). Furthermore, as the Presiding Officer notes in his Order of May 4, 1978, other potential importers of the subject food slicers, which came to the attention of the Commission investigative staff, have filed satisfactory affidavits containing assurances that they are no longer importing the subject food slicers and that they have no intention of importing them in the future.

Inasmuch as the Commission investigative attorney, Complainant Prodyne Enterprises, Inc., and Respondents Federated Department Stores, Inc., and Carson Pirie Scott & Co. are satisfied that no importation of the subject items is presently occurring or will occur in the future, the Commission concludes that no present violation of section 337 exists. For these reasons, the Commission has determind to order the termination of the instant investigation as to all issues and all respondents without prejudice.

Issued: July 12, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-19662 Filed 7-14-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

AD HOC SUBCOMMITTEE FOR REVIEW OF THE INTERNATIONAL SOUTHERN OCEAN STUDIES ADVISORY COMMITTEE FOR OCEAN SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

NAME: Ad Hoc Subcommittee for Review of the International Southern Ocean Studies (ISOS) of the Advisory Committee for Ocean Sciences.

DATE AND TIME: August 2 and 3, 1978—9 a.m. to 5 p.m. each day.

PLACE: National Center for Atmospheric Research, Boulder, Colo. 30007.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. Curtis Allan Collins, IDOE Section, National Science Foundation, Washington, D.C. 20550. Telephone 202-632-4334.

PURPOSE OF MEETING: To review ISOS proposals and the ISOS project.

AGENDA: Detailed review and evaluation of renewal proposals for support of the ISOS project.

REASON FOR CLOSING: Discussion of project/proposal reviews will involve information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: July 12, 1978.

M. REBECCA WINKLER,
Committee Management Coordinator.

[FR Doc. 78-19608 Filed 7-14-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON PROSPECTIVE ANALYSES OF THE ADVISORY COMMITTEE FOR POLICY RESEARCH AND ANALYSIS AND SCIENCE RESOURCES STUDIES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

NAME: Subcommittee on Prospective Analyses.

DATE AND TIME: August 6 and 7, 1978—10 a.m. to 4:30 p.m. each day.

PLACE: 227 Clinton Street, Brooklyn, N.Y. 11201.

TYPE OF MEETING: Open.

CONTACT PERSON: Inez Olson, Division of Policy Research and Analysis, Directorate for Scientific, Technological, and International Affairs, Room 1237, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550. Telephone 202-632-7420. Anyone who plans to attend should contact Ms. Olson by July 28, 1978.

SUMMARY MINUTES: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF SUBCOMMITTEE: The purpose of this Subcommittee is to provide advice and recommendations concerning the application of methods of prospective analysis for Technology Assessments and for projections of Socioeconomic Effects of S. & T.

AGENDA: *August 6—10 a.m.-12 noon.*—What information would be required to determine whether policy intervention in the normal course of technological development is called for, given the existence of a presumably robust market mechanism?

August 6—2 p.m.- 4:30 p.m.—How might society assess risks for different elements of the population of governmental action or inaction in regard to specific technologies?

August 7—10 a.m.-12 noon.—If the state of knowledge does not permit optimal solutions, of if disagreements run deep, what procedures of social interaction might produce acceptable outcomes?

August 7—2 p.m.-4:30 p.m.—Do such methods as Delphi, cross-impact analysis and pseudo-experimentation have promise for dealing with future problems, or should there be a program focus on methods as such?

Dated: July 12, 1978.

M. REBECCA WINKLER,
Committee Management Coordinator.

[FR Doc. 78-19607 Filed 7-14-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCE REPORT

12th Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission has published and issued the 12th periodic report to Congress on abnormal occurrences (NUREG-0090, Vol. 1, No. 1). The release date is July 11, 1978.

Under the Energy Reorganization Act of 1974, which created the NRC,

an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the FEDERAL REGISTER (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

The 12th report to Congress is for the first quarter of 1978. The report is based upon occurrences or events that the Commission determined were significant. The report indicates that the following incidents or events were determined by the Commission to be significant and reportable: (a) There was one abnormal occurrence at the 68 nuclear power plants licensed to operate. The event involved insulation failures in containment electrical penetrations; (b) There were not abnormal occurrences at fuel cycle facilities (other than nuclear power plants); (c) There were no abnormal occurrences at other license facilities; and (d) There was one abnormal occurrence reported by an Agreement State Licensee. The event involved an overexposure of a radiographer.

The incidents involved temporary reductions in margins of safety normally provided.

The 12th report to the Congress also contains updating information on abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's public document room, 1717 H Street NW., Washington, D.C. or at any of the 130 local public document rooms throughout the country. The report, designated NUREG-0090, Vol. 2, No. 1, may be purchased from the National Technical Information Service, Springfield, Va. 22161, at $4.50 a copy on or about July 25, 1978.

Dated at Washington this 11th day of July, 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-19513 Filed 7-14-78; 8:45 am]

[7590-01]

[Docket No. 50-341]

THE DETROIT EDISON CO., ET AL

Issuance of Amendment to Construction Permit

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Construction Permit No. CPPR-87, issued to the Detroit Edison Company, Northern Michigan Electric Cooperative, Inc. and Wolverine Electric Cooperative, Inc. The amendment reflects a change in the ownership of the Enrico Fermi Atomic Powerplant, unit 2 (the facility) located in Frenchtown Township, Monroe County, Mich. The amendment is effective as of its date of issuance.

The Attorney General's advice letter, which did not recommend an antitrust hearing, was published in the FEDERAL REGISTER (42 FR 54894) on October 11, 1977. An Atomic Safety and Licensing Board was appointed to consider a petition to intervene raising antitrust questions. The Board denied this petition in an order dated April 7, 1978. This decision was affirmed by an Atomic Safety and Licensing Appeal Board in an order dated May 9, 1978. The proposed amendment was then generally noticed on September 22, 1977 (42 FR 47894). The Atomic Safety and Licensing Board appointed to consider the petitions for leave to intervene submitted in response to this notice denied them in an order dated March 21, 1978.

The amendment provides for the addition of Northern Michigan Electric Cooperative, Inc. and the Wolverine Electric Cooperative, Inc. as applicants for all licenses previously requested for the facility and the transfer of 11.22 percent ownership interest to Northern Michigan Electric Cooperative, Inc. and 8.78 percent ownership interest to Wolverine Electric Cooperative, Inc. Detroit Edison Co., with 80 percent ownership, has sole responsibility for licensing, design, procurement, construction, operation and all related functions with respect to the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment.

For further details with respect to this action, see: (1) The application for amendment contained in letters dated May 6, 1977, May 25, 1977 and March 17, 1978; (2) Amendment No. 1 to Construction Permit No. CPPR-87; and (3) the Commission's related Safety Evaluation supporting Amendment No. 1 to the above construction permit. All of these items and other related material are available for public inspection at the Commission's public document room 1717 H Street NW., Washington, D.C. and at the local public document room located in the Monroe County Library System, Reference Department, 3700 South Custer Road, Monroe, Mich.

A copy of items (2) and (3) may be obtained upon written request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 5th day of July, 1978.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1 Division of Project Management.

[FR Doc. 78-19515 Filed 7-14-78; 8:45 am]

[7590-01]

[Docket No. 50-341]

CHANGE IN OWNERSHIP FOR THE ENRICO FERMI ATOMIC POWER PLANT, UNIT NO. 2

Negative Declaration Supporting Amendment No. 1 to Construction Permit No. CPPR-87

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the Detroit Edison Co.'s (permittee) request to amend the construction permit for the Enrico Fermi Atomic Power Plant, Unit No. 2 (CPPR-87) which is located in Monroe County, Mich. The permittee has requested the addition of Northern Michigan Electric Cooperative, Inc. (NMEC) and Wolverine Electric Cooperative, Inc. (WEC) as co-owners with Detroit Edison Co. of the facility. NMEC and WEC would own 11.22 percent and 8.78 percent of the Fermi Unit No. 2 facility and Detroit Edison would maintain a 80 percent share of the station and will retain all responsibility related to licensing, construction and operation of Fermi Unit No. 2.

The Commission's Division of Site Safety and Environmental Analysis (staff) has prepared an environmental impact appraisal relative to this change to CPPR-87. Based upon this appraisal, the staff has concluded that an environmental impact statement for this particular action is not warranted because pursuant to the Commission's regulations in 10 CFR Part 51 and the Council of Environmental Quality's Guidelines, 40 CFR 1500.6, the Commission has determined that this change to the construction permit is not a major Federal action significantly affecting the quality of the human environment.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. 20555; and at the Reference Department of the Monroe County Library System, 3700 South Custer Road, Monroe, Mich. 48161.

Dated at Bethesda, Md., this 3d day of July, 1978.

For the Nuclear Regulatory Commission.

CLIFFORD A. HAUPT,
Acting Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc. 78-19516 Filed 7-19-78; 8:45 am]

[7590-01]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-49 issued to Iowa Electric Light & Power Co., Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised the conditions and requirements of License No. DPR-49 and the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment increases the storage capacity of the spent fuel pool from 510 to 2,050 fuel assemblies.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on December 14, 1977 (42 FR 62984). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the amendment and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated March 1973.

For further details with respect to this action, see (1) the application for amendment dated October 13, 1977, as supplemented by letters dated December 20, 1977, March 14, 1978, May 11, 1978, May 15, 1978, June 6, 1978, and June 19, 1978, and as amended by letter dated June 29, 1978, (2) Amendment No. 45 to License No. DPR-49, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Cedar Rapids Public Library, 426 Third Avenue SE., Cedar Rapids, Iowa 52401. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 7th day of July 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch 3, Division of Operating Reactors.

[FR Doc. 78-19517 Filed 7-14-78; 8:45 am]

[7590-01]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District, which revised the Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebr. The amendment is effective as of the date of its issuance.

The amendment revised the Technical Specifications to incorporate requirements for establishing and maintaining the drywell to suppression chamber differential pressure and suppression chamber water level, to maintain the margins of safety established in the NRC staff's "Mark I Containment Short Term Program Safety Evaluation," Nureg-0408. Operation in accordance with the conditions specified in Nureg-0408 has been previously authorized in 43 FR 13109, March 29, 1978.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) applications for amendment dated November 22, 1976, March 2, 1977, and April 27, 1977, (2) Amendment No. 50 to License No. DPR-46, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebr. 68305. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 10th day of July 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch 3, Division of Operating Reactors.

[FR Doc. 78-19518 Filed 7-14-78; 8:45 am]

[7590-01]

[Docket Nos. 50-275 and 50-323]

PACIFIC GAS AND ELECTRIC CO. DIABLO CANYON NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2

Availability of Partial Initial Decision of the Atomic Safety and Licensing Board (Operating License Stage)

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Partial Initial Decison relating to environmental issued dated June 12, 1978 by the Atomic Safety and Licensing Board in the above-captioned proceedings is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and at the San Luis Obispo County Free Library, 880 Morro Street, San Luis Obispo, Calif. 93406. Copies are also being sent to the State Clearinghouse, Office of the Governor, Office of Planning and Research, 1400 Tenth Street, Sacramento, Calif. 95814.

Based on the record developed in the public hearing in the above-captioned matter, the Partial Initial Decision modified in certain respects the contents of the Final Environmental Statement (FES) and the Addendum

to the FES prepared by the Commission's Office of Nuclear Reactor Regulation relating to the proposed construction and operation of the Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2.

Pursuant to the provisions of section 51.52(b)(3) of 10 CFR Part 51, the Final Environmental Statement and the Addendum thereto are deemed modified to the extent that the Findings and Conclusions contained in the Partial Initial Decison differ from those contained in the Final Environmental Statement and the Addendum. As required by section 51.52(b)(3) of 10 CFR Part 51, a copy of the Partial Initial Decison, which modifies the Final Environmental Statement and the Addendum has been transmitted to the Environmental Protection Agency and other interested agencies and persons in accordance with section 51.26(c) of 10 CFR Part 51.

The Partial Initial Decision, the Final Environmental Statement and the Addendum to the FES are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the San Luis Obispo County Free Library, 880 Morro Street, San Luis Obispo, Calif. 93406.

Dated at Bethesda, Md., this 7th day of July 1978.

For the Nuclear Regulatory Commission.

RONALD L. BALLARD,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc. 78-19519 Filed 7-14-78; 8:45 am]

[7590-01]

[Docket No. 40-8698]

PLATEAU RESOURCES, LTD., SHOOTERING CANYON URANIUM PROJECT, GARFIELD COUNTY, UTAH

Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, Plateau Resources, Ltd., has filed an environmental report dated May 1978 and supplemental information in support of their application for a source material license for the Shootering Canyon Uranium Project located in Garfield County, Utah. These reports, which discuss environmental considerations related to the proposed acid leach uranium mill are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the reports are also being made available at the Utah State Clearinghouse, Utah Planning Coordinator, Office of the Governor, State Capitol Building, Salt Lake City, Utah 84114 and the Five County Association of Governments Organization, P.O. Box O, 620 South 400 East, St. George, Utah 84770.

After the environmental report and supplemental information have been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of federal agencies and state and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Silver Spring, Md., this 6th day of July, 1978.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief, Fuel Processing & Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 78-19520 Filed 7-19-78; 8:45 am]

[7590-01]

[Docket Nos.50-438 and 50-439]

TENNESSEE VALLEY AUTHORITY (BELLEFONTE NUCLEAR PLANT, UNITS 1 AND 2)

Receipt of Application for Facility Operating Licenses; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating Licenses and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating licenses from the Tennessee Valley Authority (the applicant) to possess, use, and operate at a core power level of 3,600 megawatts thermal, two pressurized water nuclear reactors (the facility), located on the applicant's site approximately 6 miles northeast of Scottsboro and approximately 38 miles east of Huntsville in Jackson County, Ala.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 (NEPA) and the regulations of the Commission in 10 CFR Part 51, an environmental report which discusses environmental considerations related to the proposed operation of the facility and which is being made available at the Alabama Development Office, State Office Building, Montgomery, Ala. 36104, and at the Top of Alabama Regional Council of Governments, 350 State National Bank Building, Huntsville, Ala. 35801.

After the environmental report has been analyzed by the Commission's staff, the Commission's Draft Environmental Statement will be prepared. Upon preparation of this Draft Environmental Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The Commission's Draft Environmental Statement will focus primarily on any matters which differ from those previously discussed in the Commission's Final Environmental Statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the Commission's Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the notice of availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of facility operating licenses to the Tennessee Valley Authority which would authorize the applicant to possess, use and operate the Bellefonte Nuclear Plant, Units 1 and 2, in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by NEPA and the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's regulations in Title 10, Chapter I, Code of Federal Regulations. Construction of the facility was authorized by Construction Permit Nos. CPPR-122 and CPPR-123, issued by the Commission on December 24, 1974. Construction of Unit 1 is anticipated to be completed by December 1, 1979, and Unit 2 by September 1, 1980.

Prior to issuance of any operating licenses, the Commission will inspect the facility to determine whether it

has been constructed in accordance with the application, as amended, and the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By August 16, 1978, the applicant may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which the petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by August 16, 1978. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Herbert S. Sanger, Jr., Esq., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B33, Knoxville, Tenn. 37902, attorney for the applicant. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petition, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a later petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated February 1, 1978, and the applicant's environmental report also dated February 1, 1978, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Ala. As they become available, the following documents may be inspected at the above locations: (1) the Safety Evaluation Report prepared by the Commission's staff; (2) the Commission's Draft Environmental Statement; (3) the Commission's Final Environmental Statement; (4) the report of the Advisory Committee on Reactor Safegurads on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obatined by request to the Director, Division of Project Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff Safety Evaluation Report and Final Environmental Statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Maryland this 10th day of July, 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 78-19668 Filed 7-14-78; 8:45 am]

[7590-01]

[Docket Nos. STN 50-592 and STN 50-593]

ARIZONA PUBLIC SERVICE CO., ET AL. (PALO VERDE NUCLEAR GENERATING STATION, UNITS 4 AND 5)

Receipt of Antitrust Information and Application for Construction Permits and Operating Licenses: Time for Submission of Views on Antitrust Matters

Arizona Public Service Co. on behalf of itself and 10 joint applicants—Southern California Edison Co., El Paso Electric Co., San Diego Gas and Electric Co., Nevada Power Co., Department of Water and Power of the city of Los Angeles, city of Anaheim, city of Burbank, city of Glendale, city of Pasadena, and city of Riverside, Calif. (the applicants), pursuant to section 103 of the atomic Energy Act of 1954, as amended, filed portions of their application. These parts which consist of the Safety Analysis Report, general and financial information were accepted for docketing on March 31, 1978, and are assigned Docket Nos. STN 50-592 and STN 50-593.

In addition a portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR 50, appendix L, and was also accepted for docketing and is assigned Docket Nos. STN 50-592-A and STN 50-593-A.

The application is for authorization to construct and operate two pressurized water reactors designated as the Palo Verde Nuclear Generating Station, Units 4 and 5 on the applicants' site in Maricopa County, Ariz. The reactor is designed for operation at a core power level of 3,800 megawatts thermal, with an equivalent net electrical output of approximately 1,307 megawatts.

A Notice of Hearing setting forth the radiological issues to be considered during the review is being published separately. A date for submitting petitions for leave to intervene on radiological issues is set forth in the Notice of Hearing.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before July 6, 1978. The request should be filed in connection with Docket Nos. STN 50-592-A and STN 50-593-A.

The Environmental Report was tendered but initially rejected and is expected to be resubmitted on or before September 1, 1978. A separate notice of receipt and availability for this remaining portion will be published at that time. A deadline for filing of other contentions relating to matters covered in the omitted material will be established by the Board subsequent to acceptance of the Environmental Report for a detailed review.

After the Environmental Report has been received and analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement will be prepared by the Commission's staff. Upon preparation of the draft environmental statement, the Commission will cause to be published in the FEDERAL REGISTER a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be noticed in the FEDERAL REGISTER.

Copies of the individual portions of the application, as noted above are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Ariz. 85004.

Dated at Bethesda, Md., this 20th day of April 1978.

For the Nuclear Regulatory Commission.

JOHN F. STOLE,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc. 78-16334 Filed 7-13-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON ANTICIPATED TRANSIENTS WITHOUT SCRAM

Meeting

The ACRS Subcommittee on Anticipated Transients Without Scram will hold a meeting on August 1-2, 1978 in room 1046, 1717 H Street NW., Washington, D.C. 20555, to continue its discussions with various representatives of industry of NUREG 0460, "Anticipated Transients Without Scram for Light-Water Reactors." Notice of this meeting was published in the FEDERAL REGISTER on June 16, 1978 (43 FR 26162).

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977 (42 FR 56972) oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. The agenda for subject meeting shall be as follows: Tuesday, August 1, and Wednesday, August 2, 1978, 8:30 a.m. until the conclusion of business each day.

The subcommittee may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the executive session, the subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, various representatives of industry, and their consultants, pertinent to the above topics. The subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether additional meetings of the subcommittee will be required.

In addition, it may be necessary for the subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the designated Federal employee for this meeting, Dr. Thomas G. McCreless, telephone 202-634-1374, between 8:15 a.m. and 5 p.m., EDT.

Dated: July 13, 1978.

JOHN HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-19863 Filed 7-14-78; 9:34 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS subcommittees and working groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published June 16, 1978 (43 FR 26161). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those subcommittee and working group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when subcommittee and working group meetings will start will be published approximately 15 days prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the August 1978 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202-634-1374, after July 22, 1978 telephone 202-634-3267, ATTN: Mary E. Vanderholt) between 8:15 a.m. and 5 p.m., EDT.

SUBCOMMITTEE AND WORKING GROUP MEETINGS

*Emergency core cooling systems, July 17-18, 1978, Washington, D.C.

The subcommittee will meet to discuss items related to NRC research including TRAC, the 3-D program, needs for experimental data for best estimate codes, scaling, and plans related to a multipurpose test facility. Notice of this meeting was published June 30, 1978 (43 FR 28588).

*Erie nuclear powerplant, units 1 and 2, July 18, 1978, Elyria, Ohio. The subcommittee will review the application of the Ohio Edison Co. for a permit to construct units 1 and 2 of this plant. Notice of this meeting was published July 3, 1978 (43 FR 28867).

*Electrical systems, control and instrumentation, July 20, 1978, Los Angeles, Calif. The subcommittee will meet with representatives of numerous vendors and utilities to continue its review of the capability of loose-parts-monitoring systems in nuclear powerplants. Notice of this meeting was published July 5, 1978 (43 FR 29043).

*General Electric Test Reactor (GETR) and seismic activity, July 21-22, 1978, San Jose, Calif. Postponed. FEDERAL REGISTER notices were published July 6, 1978 (43 FR 29193) and issue of July 14, 1978. Title changed to "General Electric Test Reactor (GETR) and Extreme External Phenomena."

*RESAR 414, July 24, 1978, Washington, D.C. The subcommittee will review the application of the Westinghouse Electric Co. for a preliminary design approval for the RESAR 414 standardized nuclear steam supply system. Notice of this meeting was published July 7, 1978 (43 FR 29386, "ACRS Subcommittee on Westinghouse Water Reactors").

*Radiological effects and site evaluation (formerly "siting evaluation"), July 24, 1978 (rescheduled from June 16, 1978), Washington, D.C. The subcommittee will discuss the NRC report entitled, "Early Site Reviews for Nuclear Power Facilities—Procedures and Possible Technical Review Options," NUREG-0180, draft revision dated February 1978. Notice of this meeting was published July 7, 1978 (43 FR 29385).

*Waste management, July 24 (1 p.m.) and 25 (8:30 a.m.), 1978, Washington, D.C. The subcommittee will review progress on the NRC staff study of waste disposal classification, discuss recent USGS reports on high level waste management, discuss NRC response to actions suggested in DOE/ER-004/D, February 1978, "Report of Task Force for Review of Nuclear Waste Management," review NUREG 0300, "Proposed Goals for Radioactive Waste Management," NUREG 0411, "Essays or Issues Relevant to the Regulation of Radioactive Waste Management," and be briefed by the NRC staff on the Presidentially-constituted Interagency Nuclear Waste Management Task Force. Notice of this meeting was published July 7, 1978 (43 FR 29385).

*Radiological effects and site evaluation, July 26, 1978 (8:30 a.m.), Washington, D.C. The subcommittee will review Regulatory Guide 1.98, Rev. 1, "Methods for Determining the Technical Specification Limit on Activity Release at the Main Condenser Vacuum System on Boiling Water Reactors." Notice of this meeting was published July 11, 1978 (43 FR 29863).

*Waste management, July 26, 1978 (10:30 a.m.), Washington, D.C. The subcommittee will review NUREG 0436, "Plan for Reevaluation of NRC Policy on Decommissioning of Nuclear Facilities," and NUREG/CR 0130, "Technology Safety, and Cost of Decommissioning a Reference PWR Power Plant," scheduled for publication on or about July 14, 1978. Notice of this meeting was published July 11, 1978 (43 FR 29864).

*Hypothetical core disruptive accident for fast reactors (HCDA), July 27-28, 1978, Los Alamos, N. Mex. The working group will discuss the goals and accomplishments of the SIMMER program and the capability of the SIMMER code to model a hypothetical core disruptive accident. Notice of this meeting was published July 12, 1978.

*Anticipated transients without Scram (ATWS), August 1, 1978, Washington, D.C. The working group will continue its discussions with various representatives of industry regarding the NRC staff's report entitled, "Anticipated Transients Without Scram for Light-Water Reactors," NUREG 0460. Notice of this meeting is published elsewhere in this issue.

*Regulatory activities, August 2, 1978, Washington, D.C. Canceled.

Reactor operations, August 2, 1978, Washington, D.C. The subcommittee will meet in executive session to define its proposed scope of activities.

*Fast flux test facility, August 10, 1978, Washington, D.C. The subcommittee will review the NRC Safety Evaluation Report on the FFTF project and will discuss topics related to the operation of FFTF.

*Advanced reactors, August 11, 1978, Washington, D.C. The subcommittee will review matters related to the NRC sponsored research on the safety of advanced reactor designs.

*Emergency core cooling systems, August 14, 1978, Idaho Falls, Idaho. The subcommittee will review the status of research projects related to LOFT, SEMISCALE, thermal-hydraulic aspects of PBF, and two—phase flow instrumentation.

*Fluid dynamics, August 15, 1978, Idaho Falls, Idaho. The subcommittee will discuss the relap 4 and 5 codes, their application to PWR's, BWR's, and PWR/UHI systems as well as the BEACON code and advanced containment codes for BWR's.

*Reactor fuels, August 17-18, 1978, Idaho Falls, Idaho. The subcommittee will gather information on reactor fuel research conducted at the Idaho National Engineering Laboratory (INEL) for consideration by the ACRS in its preparation of a report to Congress on NRC research.

*Emergency core cooling systems, August 22-23, 1978, Washington, D.C. The subcommittee will meet to discuss the status of a variety of programs related to ECCS-LOCA research programs.

*Fluid dynamics, August 29-30, 1978, Los Angeles, Calif. The subcommittee will meet with representatives of the NRC to discuss methods used in licensing for calculating containment system response by the NRC staff and the nuclear industry. Containment leak testing will also be discussed.

*Regulatory activities, September 6, 1978, Washington, D.C. The subcommittee will review working papers and future regulatory guides; also it will discuss pertinent activities which affect the current licensing process and/or reactor operations.

Reactor safety research, September 6, 1978, Washington, D.C. The subcommittee will meet in executive session to discuss review efforts for the ACRS 1978 report to Congress on NRC reactor safety research.

*Advanced reactors, September 14-15, 1978, Albuquerque, N. Mex., and September 21, 1978, Washington, D.C. The subcommittee will review matters related to the NRC sponsored research on the safety of advanced reactor designs.

*Safeguards and security, September 26, 1978, Washington, D.C. The subcommittee will review the NRC research program in this area.

ACRS FULL COMMITTEE MEETINGS

AUGUST 3-5, 1978

A. *Erie Nuclear Plant, units 1 and 2. Construction permit review.

B. *Davis Besse Nuclear Power Station, units 2 and 3. Construction permit review.

C. *Westinghouse Electric Corp. Reference Safety Analysis Report, RESAR-414. Preliminary design approval.

SEPTEMBER 7-9, 1978

Agenda to be announced.

OCTOBER 5-7, 1978

Agenda to be announced.

Dated: July 13, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-19864 Filed 7-14-78; 9:34 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of Management and Budget on July 11, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503; 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF ENERGY

Annual report of proved domestic gas reserves, FPC-40, annually, 750 large natural gas producers, C. Louis Kincannon, 395-3211.

NATIONAL TRANSPORTATION SAFETY BOARD

National driver register program supplement investigation, report, MO-H-78-01, single-time, 50 State motor vehicle departments, Strasser, A., 395-6132.

OFFICE OF MANAGEMENT AND BUDGET

An evaluation of the community food and nutrition program, single-time, 100 community action agencies receiving CFN funds, Human Resources Division, Reese B. F., 395-3532.

DEPARTMENT OF AGRICULTURE

Economics, statistics, and cooperatives service subterminal—treatments of member equity problems, single-time, 143 cooperatives managers and board members, Office of Federal Statistical Policy and Standards, 673-7956.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, artifical kidney systems—hemodialyzers, single-time, professionals associated with hemodialysis centers, Richard Eisinger, 395-3214.

Social Security Administration, sixth and seventh wave survey—Indochinese resettlement operational feedback, SSA-3952, other (see SF-83), 2,400 Indochinese refugees, clearance office, 395-3772.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, management/executive development questionnaire, series 5800, single-time, 1,100 state planning agencies, Laverne V. Collins, 395-3214.

DEPARTMENT OF LABOR

Departmental and Other Energy Sector Federal Interagency Task Force, on occasion, 75 Utilities, construction firms, manufacturing and processing firms engaged, Office of Federal Statistical Policy and Standard, 673-7956.

Bureau of International Labor Affairs, questionnaire for buyers of new foreign cars, ILAB-242, single-time, 3,000 buyers of new foreign cars, Strasser, A., 395-6132.

DEPARTMENT OF THE INTERIOR

Office of the Secretary, structural pivot pin design and maintenance interview guide, PI-13, single-time, 46 coal mining companies, metal/nonmetal mining companies, Ellett, C.A., 395-6132.

DEPARTMENT OF THE TREASURY

Bureau of Customs, traveler survey questionnaire, 235, on occasion, 75,000 arriving travelers clearing U.S. customs, clearance office, 395-3772.

DEPARTMENT OF TRANSPORTATION

Departmental and other, problems of independent truckers: comparison of minorities, women, and others, single-time, 120 minority and female independent truckers, Roye L. Lowry, 395-3772.

Federal Highway Administration, interview schedule for driver perceptions, single-time 1,500 drivers on specific highways, Clearance Office, 395-3772.

Departmental and other, preliminary plan: exploratory study of motorized bicycle accident problem, single-time, households owning mopeds in Los Angeles and Orange Counties, Calif., Strasser, A., 395-6132.

Departmental and other, survey of black single-parent family transportation needs, DOT-OS-80005, single-time, 352 black families in the District of Columbia, Office of Federal Statistical Policy and Standard, 673-7956.

Departmental and other, national accident sampling system interview form—accident and injury factors, NHTSA test (4/78), on occasion, 9,000 occupants and pedestrians involved in motor vehicle accidents, Office of Federal Statistical Policy and Standards, Strasser, A., 673-7956.

REVISIONS

NATIONAL SCIENCE FOUNDATION

Survey of graduate science student support and post-doctorals, fall 1978 and fall 1979, NSF 811, 812, 812A, 812S, annually, survey coordinators in graduate S/E institutions, 9,630 responses, 16,196 hours, Warren Topelius, Laverne V. Collins, 395-6132.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service, corn objective yield survey, other (see SF-83), corn producers, 6,308 responses, 1,577 hours, Clearance Office, 395-3772.

Rural Electrification Administration, rating summary of operations and maintenance (REA Electric System), REA-300, on occasion, REA Electric System, 330 responses, 13,200 hours, Ellett, C.A., 395-6132.

Economics, Statistics, and Cooperatives Service, compliance review (farmer cooperatives), ESCS-40, on occasion, cooperatives requesting technical assistance, 30 responses, 15 hours, Ellett, C. A., Laverne V. Collins, 395-6132.

DEPARTMENT OF COMMERCE

Bureau of Census, school enrollment supplement—October 1978 current population survey, CPS-1, annually, 53,000 households in CPS sample, 53,000 responses, 5,300 hours, Office of Federal Statistical Policy and Standard, 673-7956.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration (Departmental) quarterly estimates and statements of expenditures for medical assistance payments—medicaid, HCFA-64 and 65, quarterly, State agencies administering medical assistance per title XIX, 3,200 responses, 12,800 hours, budget review division, 395-4775.

Social Security Administration, application for lump-sum death payment, SSA-8-F5, on occasion, individuals applying for lump-sum allowances payable under title II, 1 million responses, 166,666 hours, Marsha Traynham, 395-3773.

Office of Education, standard application for (nonconstruction) special community service and continuing education projects, OE-1280, on occasion, accredited institutions of higher education, 200 responses, 800 hours, Laverne V. Collins, 395-3214.

Application for Federal assistance: instruction for part A, title IV, Pub. L. 92-318, OE-444, annually, LEA's, 1,500 responses, 1,500 hours, Laverne V. Collins, 395-3214.

Standard application (nonconstruction) for environmental education program, OE-326, annually, all public and private nonprofit agencies, organizations, institutions, 1,000 responses, 40,000 hours, Laverne V. Collins, 395-3214.

Financial and performance reports—migrant program, title I ESEA, OE-362-1, semiannually, SEA's, 1,900 responses, 47,500 hours, Laverne V. Collins, 395-3214.

Institutional application for public service education program, OE-404, annually, institutions of higher education, 250 responses, 10,000 hours, Laverne V. Collins, 395-3214.

Social Security Administration, application for disability insurance benefits, SSA-16-F6, on occasion, persons filing for social security benefits as disabled persons, 1 million responses, 166,667 hours, Marsha Traynham, 395-3773.

EXTENSIONS

TENNESSEE VALLEY AUTHORITY

Foreign line crossing data (intersection with other than TVA line), TVA 6573, weekly, foreign data, 169 responses, 1,470 hours, Roye L. Lowry, 395-3772.

DEPARTMENT OF COMMERCE

National Fire Prevention, fire department survey, single-time, volunteer fire departments, 23,000 responses, 2,300 hours, Clearance Office, 395-3772.

Economic Development Administration, quarterly report on guaranteed loans, ED-700, quarterly, domestic banks with loans guaranteed by EDA, 420 responses, 315 hours, C. Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, application for Federal assistance (short form)—instructions for arts education projects, OE-449, annually, LEA's and SEA's, 250 responses, 3,750 hours, Laverne V. Collins, 395-3214.

Application for Federal Assistance (construction programs)—noncommercial educational broadcasting facilities program, 323-1, annually, States, IHE's nonprofit organizations, 100 responses, 6,000 hours, Laverne V. Collins, 395-3214.

DEPARTMENT OF THE TREASURY

Bureau of Customs, invoice details for footwear, invoicing information, on occasion, foreign manufacturers through U.S. importers, 280,000 responses, 28,000 hours, C. Louis Kincannon, 395-3211.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-19691 Filed 7-14-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

TRADE POLICY STAFF COMMITTEE: TASK FORCE ON COMMERCIAL COUNTERFEITING

Requests for Written Views and Comments

1. *Solicitation of views.*—In the FEDERAL REGISTER of Thursday, July 28, 1977 (42 FR 38445) the Trade Policy Staff Committee (TPSC) solicited public views and comments on tariff, nontariff, and other matters that are, or may be, under consideration in the "Tokyo Round" of Multilateral Trade Negotiations (MTN). The TPSC hereby solicits additional written public views and comments on commercial counterfeiting, that is, the sale of products with bogus trademarks. In particular, views are solicited concerning the possible development of international rules regarding trademark rights which would require the seizure and forfeiture of counterfeit merchandise. Information bearing upon the adequacy of existing remedies for protecting legitimate trademark interests would be useful to U.S. negotiators. Specific information concerning instances of commercial counterfeiting, and attempts to remedy it, including the countries, products, and amount of trade involved, should be given.

2. *Suggestions for the preparation of written submissions.*—Each submission should state clearly on the first page the name and address of the parties making the submission (as well as the party on whose behalf the submission is made, if different from the party making the submission), and the subject matter of the submission. The TPSC suggests that submissions include the following points:

(i) An introductory summary statement indicating the interest of the person or organization on whose behalf the submission is made;

(ii) A description of the particular matter of interest;

(iii) Where applicable, a description of the United States or foreign laws, regulations, or practices of interest, sufficient to identify them clearly (attaching copies of any foreign laws or regulations, which are under discussion whenever possible);

(iv) A description of how the United States or foreign laws, regulations, or practices affect the interests of the person or organization on whose behalf the submission is made;

(v) Identification of any foreign country or countries whose laws, regulations, or practices are discussed in the submission;

(vi) Where appropriate, possible elements of an international agreement or other proposed solutions to the problem raised.

3. *Information exempt from public inspection.*—Parties are referred to § 2003.6 of the TPSC regulations (15 CFR 2003.6), for the rules concerning information that is "business confidential" and exempt from public inspection under section 135(g)(1)(A) of the Trade Act of 1974. Parties also are referred to section 135(g)(1)(B) of the Trade Act of 1974, which provides that information and advice that is not technically "business confidential," but that is submitted in confidence by the private sector to officers or employees of the United States in connection with trade negotiations is exempt from disclosure to any person other than Government employees designated by the Special Representative for Trade Negotiations to receive such information, members of the House Ways and Means and Senate Finance Committees, who are accredited as delegates to trade negotiations, and designated staff members of those committees, and private sector advisory committees formally chartered pursuant to section 135 of the Trade Act of 1974.

Persons making submissions containing material for which confidentiality is requested should clearly so state and should insure that all portions of their submissions containing such material are clearly identified (such as by stamping "business confidential" or "submitted in confidence" at the top and bottom of each page) and are easily separable. A nonconfidential summary should be supplied.

In addition, persons making submissions may request that their submissions, or parts thereof, be withheld from distribution to the private sector advisory committees formed pursuant to section 135 of the Trade Act of 1974.

4. *Public inspection of written materials.*—Subject to the regulations of the TPSC all nonconfidential written materials filed with the Committee in connection with this notice will be open to public inspection, by appointment, at the Office of the Trade Policy Staff Committee, room 728, 1800 G Street NW., Washington, D.C. 20506.

5. *Communications.*—All submissions and other communications regarding this solicitation should be sent in 20 copies, addressed to: Secretary, Trade Policy Staff Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., room 728, Washington, D.C. 20506. The telephone number of the Secretary of the Committee is 202-395-7210.

C. MICHAEL HATHAWAY,
Task Force Chairman.

[FR Doc. 78-19601 Filed 7-14-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-5222]

ASSOCIATES VENTURE CAPITOL CORP.

Issuance of License to Operate as a Small Business Investment Company

On May 10, 1978, a notice was published in the FEDERAL REGISTER (43 FR 20068), stating that Associates Venture Capital Corp., located at 611 Front Street, San Francisco, Calif. 94111, had filed an application with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1977), 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 May 25, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and all other pertinent information, SBA issued License No. 09-09-5222 to Associates Venture Capital Corp., on June 26, 1978, to operate as a small business investment company, pursuant to section 301(d) of the act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: July 11, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-19609 Filed 7-14-78; 8:45 am]

[8025-01]

[License No. 04/04-0140]

DADELAND CAPITAL INVESTMENT CORP.

Application for a License as a Small Business Investment Company (SBIC)

Notice is hereby given of the filing of an application with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations (13 CFR 107.102 (1977)), under the name of Dadeland Capital Investment Corp., 7545 North Kendall Drive, Miami, Fla. 33156, for a license to operate in the State of Florida as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers and directors are as follows:

Name	Title	Percent
I. Robert Eisenmann, 16822 Southwest 82 Street, Miami, Fla. 33158.	President & director.	.6
Guillermo A. Ford, 10850 North Kendall Drive, Miami, Fla. 33156.	Vice president, director.	
Richard H. Dailey, 1231 Catalonia, Coral Gables, Fla. 33834.	Secretary, director.	
Carlos F. Rodriquez, 7345 Southwest 157 Terrace, Miami, Fla. 33157.	Treasurer, director.	4.9
Dadeland National Bank, 7545 North Kendall Drive, Miami, Fla. 33156.		15

The Dadeland National Bank will be the largest single stockholder. No other individual or corporation will own 10 percent or more of the voting securities of the Applicant.

The Applicant will begin operations with a capitalization of $500,000 which will be a source of long-term loans for qualified small business concerns in a wide range of industries with particular attention to growth potential. In addition to financial assistance, the Applicant will provide consulting services to its clients.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the act and Regulations.

Notice is hereby given that any person may, not later than fifteen (15) days from the date of publication of this Notice, submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Miami, Fla.

(Catalog of Federal Domestic Assistance Program, No. 59.011, Small Business Investment Companies.)

Dated: July 11, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-19610 Filed 7-14-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 5176]

GEORGIA

Declaration of Disaster Loan Area

Bryan, Camdem, Chatham, Glynn, Liberty, and McIntosh Counties within the State of Georgia, constitute a disaster area because of a decrease in the shrimp harvested this year. The reduction in the harvest is the direct result of severe cold water temperature generated by the freezing weather of 1977-78. Eligible persons, firms, and organizations may file application for loans for economic injury until the close of business on April 9, 1979, at: Small Business Administration, District Office, 6th floor, 1720 Peachtree Street, NW., Atlanta, Ga. 30309, or other locally announced locations.

(Catalog of Federal Domestic Assistance programs Nos. 59002 and 59008.)

Dated: July 6, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-19521 Filed 7-14-78; 8:45 am]

[8025-01]

[License No. 02/02-0350]

QUIDNET CAPITAL CORP.

Issuance of License To Operate as a Small Business Investment Company

On June 12, 1978, a notice was published in the FEDERAL REGISTER that Quidnet Capital Corp., 32 Nassau Street, Princeton, N.J. 08540, had filed an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1978)) for a license to operate as a small business investment company.

Interested parties were given until the close of business on June 27, 1978, to submit written comments on the application to the SBA.

Notice is hereby given that no written comments were received, and having considered the application and all other pertinent information, the SBA approved the issuance of License No. 02/02-0350 on June 30, 1978, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance program No. 59.011 Small Business Investment Companies).

Dated: July 11, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-19611 Filed 7-14-78; 8:45 am]

[8025-01]

[License No. 09/09-0195]

SAN JOSE CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction between Associates

Notice is hereby given that San Jose Capital Corp. (San Jose), 130 Park Plaza, San Jose, Calif. 95113, a Federal Licensee under the Small Business Investment Act of 1958, as amended (act), has filed an application pursuant to section 107.1004 of the regulations governing small business investment companies (SBIC) (13 CFR 107.1004(1978)), for approval of a conflict of interest transaction.

San Jose desires to participate in a financing to Antekma, Inc. (Antekma), 25 Clyde Avenue, Mountain View, Calif. 94043. The financing consists of the purchase of $700,000 convertible subordinated debenture due in 1985. The participation of San Jose is $100,000.

Mr. Daniel Hackman is a director and 15.38 percent shareholder of San Jose. He is, also, a director and 7.3 percent shareholder of Antekma. Since Mr. Hackman is a director of Antekma, Antekma is an associate of San Jose pursuant to § 107.3 of the Regulations, and the financing falls within the purview of section 107.1004(b)(1) of the Regulations. San Jose's financing of Antekma requires the written approval of SBA.

Notice is further given that any person may, not later than 15 days from the date of publication of this notice, submit written comments to SBA on the transaction. Any such comments should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

(Catalog of Federal Assistance program No. 59.011, Small Business Investment Companies).

Dated: July 10, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-19612 Filed 7-14-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1457]

AMENDMENT NO. 5 TEXAS

Declaration of Disaster Loan Area

The above number Declaration (see 43 FR 16584), Amendment No. 1 (see

43 FR 20070), Amendment No. 2 (see 43 FR 24641) Amendment No. 3 (see 43 FR 26511) and Amendment No. 4 (see 43 FR 29205) are amended by adding the following counties:

County	Natural disaster(s)	Date(s)
Brooks	Drought	May 1, 1977 to May 19, 1978.
La Salle	....do	Aug. 30, 1977 to Apr. 21, 1978.
Schleicher	....do	May 1, 1977 to May 5, 1978.

and adjacent counties within the State of Texas as a result of natural disaster as indicated. All other information remains the same; i.e., the termination date for filing applications for physical damage is close of business October 11, 1978, and for economic injury until the close of business on December 11, 1978.

(Catalog of Federal Domestic Assistance program Nos. 59002 and 59008.)

Dated: July 5, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-19522 Filed 7-14-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CLEAR SHEET GLASS WEIGHING OVER 28 OUNCES PER SQUARE FOOT FROM WEST GERMANY; ANTIDUMPING

Tentative Determination to Modify or Revoke Dumping Finding

AGENCY: United States Treasury Department.

ACTION: Tentative revocation of finding of dumping.

SUMMARY: This notice is to advise the public that it appears that clear sheet glass weighing over 28 ounces per square foot from West Germany is no longer being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921. In addition, the manufacturers have given assurances that they have terminated, and do not intend to resume, sales of clear sheet glass weighing over 28 ounces per square foot to the United States. If this action is made final, the finding of dumping covering the subject merchandise from West Germany will be revoked. Interested persons are invited to comment on this action.

EFFECTIVE DATE: July 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Ms. Barbara Victor, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-5492.

SUPPLEMENTARY INFORMATION: A finding of dumping with respect to clear sheet glass weighing over 28 ounces per square foot from West Germany was published as Treasury Decision 71-295 in the FEDERAL REGISTER of December 9, 1971 (36 FR 23360).

After due investigation, it has been determined tentatively that clear sheet glass from West Germany weighing over 28 ounces per square foot is no longer being, nor likely to be, sold to the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

STATEMENT OF REASONS ON WHICH THIS TENTATIVE DETERMINATION IS BASED

The investigation indicated that there have been no shipments of clear sheet glass weighing over 28 ounces per square foot from West Germany to the United States since 1975 and the manufacturers have given assurances that they do not intend to resume shipments of this merchandise to the United States.

Accordingly, notice is hereby given that the Department of the Treasury intends to revoke the finding of dumping with respect to clear sheet glass weighing over 28 ounces per square foot from West Germany.

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than August 1, 1978. Requests must be accompanied by a statement outlining the issues wished to be discussed, which issues may be discussed in greater detail in a written brief.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in ten copies in time to be received by his office not later than August 16, 1978. All person submitting views or arguments should avoid repetitious and merely cumulative material, and they are reminded of the requirement to include nonconfidential summaries or approximated presentations of all confidential information.

This notice is published pursuant to section 153.44(c) of the Customs Regulations (19 CFR 153.44(c)).

Dated: July 11, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 78-19545 Filed 7-14-78; 8:45 am]

[4810-22]

ROLLER CHAIN, OTHER THAN BICYCLE, FROM JAPAN; ANTIDUMPING

Tentative Determination to Modify or Revoke Dumping Finding

AGENCY: United States Treasury Department.

ACTION: Tentative modification of finding of dumping.

SUMMARY: This notice is to advise the public that it appears that Toyota Motor Sales Co., Ltd., of Japan is not selling roller chain, other than bicycle, from Japan at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. In addition, Toyota Motor Sales Co., Ltd., has given assurances that future sales will not be at less than fair value. If this action is made final, entries of this merchandise from Toyota Motor Sales Co., Ltd., on of after the effective date of this notice, will no longer be liable for special dumping duties under the Antidumping Act, 1921. Interested persons are invited to make comments.

EFFECTIVE DATE: July 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger, Operations Officer, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-5492.

SUPPLEMENTARY INFORMATION: A finding of dumping with respect to roller chain, other than bicycle, from Japan was published as Treasury Decision 73-100 in the FEDERAL REGISTER of April 12, 1973 (38 FR 9226). After due investigation, it has been determined that roller chain, other than bicycle, produced and sold by Toyota Motor Sales Co., Ltd., of Nagoya, Japan, is not being, nor is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

STATEMENT OF REASONS ON WHICH THIS TENTATIVE DETERMINATION IS BASED

The investigation indicated that sales of roller chain, other than bicycle, by Toyota Motor Sales, Co., Ltd., have not been made at less than fair value for a period of over 2 years since the finding of dumping and assurances have been given that future sales of such merchandise to the United States will not be made at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury

intends to modify the finding of dumping with respect to roller chain, other than bicycle, from Japan to exclude such merchandise sold by Toyota Motor Sales Co., Ltd., of Nagoya, Japan.

In accordance with section 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views. Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229 in time to be received by his office no later than August 1, 1978. Such requests must be accompanied by a statement outlining the issues wished to be discussed, which issues may be discussed in greater detail in a written brief.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in ten copies in time to be received by this office not later than August 16, 1978. All persons submitting views or arguments should avoid repetitious and merely cumulative material, and they are reminded of the requirement to include nonconfidential summaries or approximated presentations of all confidential information.

This notice is published pursuant to section 153.44(c) of the Customs Regulations (19 CFR 153.44(c)).

Dated: July 11, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 78-19546 Filed 7-14-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 678]

Assignment of Hearings

JULY 12, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assigments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 144269, Messa Enterprises, Inc., is now assigned for prehearing conference September 7, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

MC 140484 (Sub-27), Lester Coggins Trucking, Inc., is now assigned for hearing September 14, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

MC 119777 (Sub-343F), Ligon Specialized Hauler, Inc., is now assigned for prehearing conference September 18, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

MC 143445 (Sub-2), MMAR Transportation, Inc., is now assigned for hearing September 27, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

MC 60014 (Sub-64), Aero Trucking, Inc., now assigned July 12, 1978 at Atlanta, GA, is canceled; application dismissed.

MC-F-13327, Tri-State Motor Transit Co.—Purchase (Portion)—Dealers Transit, Inc., now assigned July 24, 1978, at Phoenix, AZ is canceled.

MC 128521 (Sub-7), Birmingham-Nashville Express, Inc., is now assigned for hearing September 11, 1978 (2 weeks) at Nashville, TN, at a location to be later designated.

MC-C-9997, *Telfer Tank Lines, Inc., et al.* v. *Western Asphalt Service,* now assigned September 12, 1978, at Carson City, NV is postponed to October 16, 1978 (2 days), at Carson City, NV in a hearing room to be later designated.

MC 94742 (Sub-39F), Michaud Bus Lines, Inc., application dismissed.

MC 71452 (Sub-15), Indiana Transit, Inc., is now assigned for hearing October 11, 1978 (8 days) at Indianapolis, IN, at a location to be later designated.

MC 115703 (Sub-12F), Kreitz Motor Express, Inc., is now assigned for hearing September 20, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

MC 106644 (Sub-251F), Superior Trucking Co., is now assigned for hearing September 25, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

MC 59655 (Sub-12F), Sheehan Carriers, Inc., is now assigned for hearing September 26, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

MC-C-10096, Shealy Trucking Co., Inc.—Investigation and Revocation of Certificates, is now assigned for hearing October 3, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

MC 141033 (Sub-34), Continental Contract Carrier Corp., is now assigned for hearing October 4, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

MC 114552 (Sub-151F), Senn Trucking Co., is now assigned for hearing October 12, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19627 Filed 7-14-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 12, 1978.

These applications for long-and-short-haul relief have been filed with ICC.

Protests are due at the ICC on or before August 1, 1978.

FSA No. 43573, Puerto Rico Marine Management, Inc., (No. 1), intermodal rates on general commodities, between rail carriers' terminals at Pacific Coast ports on the one hand and, on the other, ports in Puerto Rico, in Puerto Rico Marine Shipping Authority tariff No. 4, ICC No. 2, effective July 30, 1978. Grounds for relief—water competition.

FSA No. 43574, Southwestern Freight Bureau, Agent (No. B-755), rates on chemicals from Bayport, Baytown, and Houston, TX to Bristol, Croydon, and Philadelphia, PA, in sup. 37 to its tariff 12-K, ICC 5272, effective July 24, 1978. Grounds for relief—maintain rates/routes.

FSA No. 43575, Western Trunk Line Committee, Agent, (No. A-2752), rates on iron or steel pipe and tubing from Geneva, Utah to Southern territory, in sup. 209 to its tariff 134-R, ICC A-4949, effective July 25, 1978. Grounds for relief—maintain rate groupings.

FSA No. 43576, United Arab Shipping Co. (S. A. G.) No. 2, on intermodal rates on general commodities, from rail carriers' terminals on the U.S. Pacific Coast, by way of U.S. Atlantic and Gulf Coast ports, to ports in the Middle East, in its tariff No. 2, ICC No. 2, to become effective August 2, 1978. Grounds for relief—water competition.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19629 Filed 7-14-78; 8:45 am]

[7035-01]

[Notice No. 86]

MOTOR CARRIER BOARD 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 a request for oral hearing, must be filed with the Commission on or before August 16, 1978. Failure seasonably to file a protest 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 particularity the factual basis, and the section of the act, or the applicable rule governing the proposed transfer which protestant believes would pre-

clude 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 presented 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 notices of the proposed transfer.

MC-FC-77606, filed April 3, 1978. Transferee: STEWART TRUCKING, INC., R. D. No. 3, McDonald, PA 15057. Transferor: Augie Passieu Trucking, Inc., Box 53, Cecil, PA 15321. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Raymond J. Passieu, R. D. No. 3, McDonald, PA 15057. Authority sought for purchase of the operating rights set forth in Permit MC 125385 (Sub-1) issued February 1, 1974, as follows: *Plasticizer, in drums, foundry binders, in bags and in drums, and related foundry products and materials* in bags and drums from Muse, PA to points in NY, NJ, CT, MA, RI,, WV, OH, MI IN, IL, WI, IA, NC, and SC: *chemicals, oils, and waste solvents* used in the manufacture of foundry binders and compound, in drums or bags, from points in NY, NJ, CT, MA, RI, WV, OH, MI, IN, IL, WI, IA, NC, and SC to Muse, PA: also the operating rights set forth in Certificate MC 996841 (Sub-1) issued March 7, 1975 as follows: *commodities* in bulk, over specified regular routes between McDonald, PA and Pittsburgh, PA; Walkers Mill, PA and Midway, PA; between Midway, PA and Pittsburgh, PA; and between McDonald, PA and Hickory, PA; *commodities* in bulk, over irregular routes, between Burgettstown, PA and points within 15 miles thereof and *coal* from McDonald, Cecil, Robinson, Oakdale, Noblestown, and Sturgeon, PA to points within 10 miles of each of those towns. Transferee presently operates as a common carrier under Certificate MC 13026: section 210a(b) temporary authority is not sought.

MC-FC-77673, filed May 15, 1978. Transferee: GERALD E. HALL, R.R. No. 10, Box 76, Greensburg, IN 47240. Transferor: Franklin Gordon, R.R. No. 1, Manilla, IN 46150. Representative: Robert W. Loser, 1009, Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought for purchase of the operating rights set forth in Permit MC 135423 and MC 135423 (Sub. 2, 4, and 6) issued May 11, 1972; February 7, 1974, October 28, 1976, and October 28, 1976 respectively as follows: *Dry animal and poultry feed* from Peoria, Monmouth, and East St. Louis, IL to specified territory in IN; from Rushville, IN to a specified portion of OH and various counties in KY, *dry feed ingredients* from Dayton, OH to Rushville, IN; *liquid feed ingredients* from Cincinnati, OH to Rushville, IN; *animal and poultry feed and feed ingredients* except in bulk, in tank vehicles, from Manistee and St. Louis, MI, Minneapolis, MN, Cleveland, Slinger, Janesville, and Cochrane, WI, specified towns and cities in IA, AL, NE, MO, and a portion of IL to Rushville, IN; and from Rushville, IN to points in PA to Cayuga, NY. Transferee holds no Commission authority and does not seek section 210a(b) authority.

MC-FC-77684, filed May 22, 1978. Transferee: EDOUARD POULIOT, d.b.a. Pouliot Transport Enr. St. Camille de Lellis, Compte de Bellechasse, PQ, Canada. Transferor: Jacques Pouliot, d.b.a. Pouliot Transport, 34 St. Eustache, St. Romuald, PQ, Canada. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate MC 138672, issued March 5, 1974, as follows: *Lumber,* from the ports of entry on the U.S.-Canada Boundary line located at Jackman, ME, Derby Line, Beecher Falls, Highgate Springs and Norton Mills, VT, and Rouses Point, NY, to points in CT, ME, NJ, NH, MA, NY, PA, RI, VT, and DE. Restriction: the authority granted herein is restricted to the transportation of traffic originating at points in Montmagny and L'Islet Counties, PQ, Canada. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77698, filed June 5, 1978. Transferee: WILLIE JANE McKINNEY, d.b.a. Quik Service Delivery, 2319 Schilder, Houston, TX 77093. Transferor: K. W. and Willie Jane McKinney, d.b.a. Quik Service Delivery, 2319 Schilder, Houston, TX 77093. Representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, TX 78701. Authority sought to transfer operating rights under MC-140915 (Sub-1), from Transferor to Transferee, due to the death of K. W. McKinney of Transferor. Operating rights sought to be transferred (MC-140915, Sub-1): to operate as a *common carrier,* over irregular routes, in the transportation of *Liquid refrigerants,* from Houston, TX, to points in LA and OK, with no transportation for compensation on return except as otherwise authorized. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77708, filed June 9, 1978. Transferee: MOTORFLOTA, INC., 100 Larch Avenue, Jersey City, NJ 07306. Transferor: Consolidated Express, Inc., 60 Kellogg Street, Jersey City, NJ 07305. Representative: Alan F. Wohlstetter, 1700 D Street NW., Washington, DC 20006. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate MC-141708, issued September 28, 1977, as follows: General commodities (except those of unusual value, Classes A and B explosives, commodities in bulk and those requiring special equipment), between points in the New York, NY commercial zone, restricted to the transportation of shipments originating at or destined to points in the above-described territory having a prior or subsequent movement by water. Transferee presently holds no authority from the Commission. Application has been filed for temporary authority under section 210a(b).

MC-FC-77713, filed June 15, 1978. Transferee: GLACIER TRANSPORT, INC., I-29 and 32nd Avenue South, Box 428, Grand Forks, ND 58201. Transferor: Art Greenberg, d.b.a. Glacier Transport, I-29 and 32nd Avenue South, Box 428, Grand Forks, ND 58201. Representative: James B. Hovland, Esquire, P.O. Box 1680, 414 Gate City Building, Fargo, ND 58102. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates Nos. MC-139420 Subs-3, 6, 7, 9, 10, 12, and 15, issued October 28, 1975, February 2, 1976, September 24, 1975, December 14, 1976, February 18, 1977, and December 30, 1977, respectively, as follows: Keg asphalt from Cody, WY to points in ND and in a described part of MN; potato processing and handling equipment and parts and accessories from named points in ID, OR, and UT to points in ND, MN, MI, and WI; hydraulic cylinders from Rugby, ND to points in the United States (except AL and HI); materials and supplies used in the manufacturer of hydraulic cylinders from Minneapolis, MN and Chicago, IL to Rugby, ND; nonalcoholic beverages from Minneapolis, MN to Fargo and Grand Forks, ND, and from Fargo, ND to Thief River Falls, MN; frozen novelty confections and dietetic frozen desserts from Grand Forks, ND to points in ID, MT, and OR; and agricultural chemicals (except in bulk) from Madison, WI, Jacksonville, AR, Military KS, Des Moines, IA, and Omaha, NE to points in ND. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77720, filed June 28, 1978. Transferee: WHITE ROCK TRANSIT, INC., 1009 Sunset, Benton, AR 72015. Transferor: Terry D. Moore, d.b.a. White Rock Transit Company, Route 1, Box AB, Mabelvale, AR 72103. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate MC 140323 (Sub-1) issued

March 8, 1976, as follows: Sand, rock, limestone, and quartz, from points in Grant County, AR to points in TX, OK, KS, NM, CO, LA, MO, IA, IL, IN, OH, WV, KY, TN, MS, AL, PA, MI, GA, NC, SC, and VA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19628 Filed 7-14-78; 8:45 am]

[7035-01]

[Notice No. 87]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132.

MC-FC 77748. By application filed July 6, 1978, FIFE TRUCKING, INC., Route 1, Box 253, Riverton, WY 82501, seeks temporary authority to transfer the operating rights of Osborne Trucking Co., Inc., 1008 Sierra Drive, Riverton, WY 82501, under section 210a(b). The transfer to Fife Trucking, Inc., of the operating rights of Osborne Trucking Co., Inc., is presently pending.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

FR Doc. 78-19624 Filed 7-14-78; 8:45 am]

[7035-01]

[Notice No. 88]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 1978.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132.

MC-FC 77749. By application filed July 6, 1978, FUGAZY CONTINENTAL CORP. OF CONNECTICUT, 645 Madison Avenue, New York, NY 10022, seeks temporary authority to transfer the operating rights of Albert Altesman, Esq., Trustee for Airport Bus Service, Inc., 7 Dey Street, New, York, NY 10007, under section 210a(b). The transfer to Fugazy Continental Corp. of Connecticut, of the operating rights of Albert Altesman, Esq., Trustee for Airport Bus Service, Inc., is presently pending.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19625 Filed 7-14-78; 8:45 am]

[7035-01]

[Notice No. 89]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 1978.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132.

MC-FC 77750. By application filed July 7, 1978, MacEWAN MOTOR LINES, INC., Redwood Farm, 535 Locust Grove Rd., West Chester, PA 19380, seeks temporary authority to transfer the operating rights of W.S. Dunning and Son, Inc., P.O. Box 793, Jeffersonville, IN 47130, under section 210a(b). The transfer to MacEwan Motor Lines, Inc., of the operating rights of W.S. Dunning and Son, Inc., is presently pending.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19626 Filed 7-14-78; 8:45 am]

[7035-01]

[Notice No. 118]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 13, 1978.

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 comtemplated 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 in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 126736 (Sub-106TA), filed May 19, 1978. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, FL 32201. Representative: L. H. Blow, P.O. Box 1559, Jacksonville, FL 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel mill flue dust in pneumatic, hopper or covered dump vehicles*, from Duval County, FL, to Jerico, SC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Plant-Roberts Chemicals, P.O. Box 2112, Huntsville, AL 35804. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 126898 (Sub-5TA), filed May 16, 1978. Applicant: BULLDOG HIWAY EXPRESS, P.O. Box 506, Charleston, SC 29402. Representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, SC 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials* (except in bulk), from Charleston, SC, to points in FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bird & Son, Inc., Washington Street, East Walpole, MA 02032. Send protest to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 127187 (Sub-35TA), filed May 18, 1978. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Boulevard, P.O. Box 415, Fergus Falls, MN 56537. Representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and animal and poultry feed ingredients*, from points in the respective commercial zones of Milwaukee, Green Bay, and Chippewa Falls, WI, to points in IA, MN, IL, MO, and IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Commodities Corp., P.O. Box 699, Marshall, MO 65340. Send protest to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Build-

ing and U.S. Post Office, 657 2d Avenue North, Fargo, ND 58102.

MC 128791 (Sub-10TA), filed May 15, 1978. Applicant: JOULE YACHT TRANSPORT, INC., 12290 Automobile Boulevard, Clearwater, FL 33520. Representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, FL 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, boat parts, and supplies and equipment* moving in connection therewith, from Alachua, FL, to points in the United States (except AL and HI), for 180 days. There is no environmental impact involved in this application. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hunter Marine, U.S. 441 South, P.O. Box 1030, Alachua, FL 32615. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 53d Terrace Northwest, Miami, FL 33166.

MC 128940 (Sub-35TA), filed May 17, 1978. Applicant: RICHARD A. CRAWFORD, d.b.a., R.A. Crawford Trucking Service, P.O. Box 722, 9327 Riggs Road, Adelphi, MD 20783. Representative: Edward N. Button, P.O. Box 1417, 1329 Pennsylvania Avenue, Hagerstown, MD 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory reagents and culture media*, from Cockeysville, MD, and its commercial zone to points in ME, CT, NJ, DE, CA, and AZ, under a continuing contract, or contracts, with BBL Micro Biological Systems, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: BBL Micro Biological Systems, 250 Schilling Circle, Cockeysville, MD 21030. Send protests to: W.C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, DC 20423.

MC 129759 (Sub-25TA), filed May 15, 1978. Applicant: TRIANGLE TRUCKING, INC., P.O. Box 490, McKees Rocks, PA 15136. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Roof deck*, from Heidelburg, PA, to points in AL, AR, AZ, CO, FL, GA, IA, KS, LA, MS, MO, NC, SC, TX, VA, and WY; and (B) *Materials* used in the manufacture of roof deck, from points in the States named above to Heidelburg, PA, restricted to service performed, under a continuing contract, or contracts, with Elwin G. Smith Division, Cyclops Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elwin G. Smith Division, Cyclops Corp., Heidelburg, PA 15106. Send protests to: John J. England, District Supervisor, 2111 Federal Building, 1000 Liberty Avenue, Pittsburge, PA 15222.

MC 133684 (Sub-24Ta), filed May 15, 1978. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, WA 98422. Representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 3rd Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and other materials and supplies* incidental to the brewing and packaging of malt beverages, between Vancouver, WA, on the one hand, and, on the other, points in CA, and NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Brewing Company, P.O. Box 5800, San Mateo, CA 94402. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

MC 135082 (Sub-68TA), filed May 15, 1978. Applicant: BURSCH TRUCKING, INC., d.b.a., Roadrunner Trucking, Inc., P.O. Box 26748, 415 Rankin Road, NE., Albuquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing products and commodities* used in the installation therof, from Bakersfield, CA, to AZ, UT, CO, and TX., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Baker Thomas Wholesale, Inc., 300 South 12th Street, Phoenix, AZ 85002. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 135082 (Sub-69TA), filed May 19, 1978. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road NE., Albuquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Surface bonding cement*, in bags, from plantsite of West Con Industries in Tucson, AZ, to CA, CO,ID, MT, NM, OR, Utah, WA, NV, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: West Con Industries, 2600 West Poppy, Tucson, AZ 85705. Send protests to: Darrell W. Sammons, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 135399 (Sub-6TA), filed May 15, 1978. Applicant: HASKINS TRUCKING, INC., P.O. Box 7729, Longview, TX 75602 Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone and gypsum*, (except in bulk), from points in Marion County, IA, to points in AR, LA, OK, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Americal Pelletized Corp., P.O. Box 3628, Des Moines, IA 50322. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 136464 (Sub-37TA), filed May 17, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 650 Eastwood Drive, Gastonia, NC 28052. Representative: Eric Meierhoefer, 1511 K Street NW., Suite 423, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sewing aids*, from Los Angeles and San Francisco, Calif., and points in their commercial zones, to points in Connecticut, under a continuing contract, or contracts, with Talon Division of Textron, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Talon Division of Textron, Inc., 626 Arch Street, Meadville, PA 16335. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 136605 (Sub-55TA), filed May 17, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, 216 Trade Street, Misaoula, MT 59807. Representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain storage, drying and handling equipment, iron and steel articles* used in the manufacture of the above, from the facilities of Grain Systems, Inc., at or near Assumption, IL, to points in and west of MN, IA, MO, OK, and TX (except AK and HI), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles Jordan, Traffic Manager, Grain Systems, Inc., Rt. 51, Assumption, IL 62510. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 136605 (Sub-56TA), filed May 17, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, 216 Trade Street, Misaoula, MT 59807. Representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down steel buildings, related iron and steel articles*, from the facilities of Miracle Span Steel Buildings, Inc., at or near Watertown, SD, and Fort Madison, IA, to points in MT, ID, UT and NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert E. Huddleston, President All-Span Building Corp., 2596 South Main, Pocatello, ID 83201. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

MC 138328 (Sub-69TA) filed May 19, 1978. Applicant: CLARENCE L. WERNER, d.b.a. Werner Enterprises, I-80 and Highway 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in packages, from Marksville and Rayne, LA, to Clare, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Donald E. Cravey, President, Textron Plastics, Inc., 10611 Kirkside, Houston, TX 77096. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 138882 (Sub-73TA), filed May 15, 1978. Applicant: WILEY SANDERS, INC., P.O. Drawer 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products and particleboard*, from the facilities of MacMillan Bloedel, Inc., located at or near Opelika and Pine Hill, AL, to points in the United States in and east of MN, IA, MO, KS, OK, TX (except NH, VT, and ME); and (2) *Materials, equipment and supplies* used in the manufacture, processing and distribution of the commodities in (1) above, from the destination states to the facilities of MacMillan Bloedel, Inc., located at or near Opelika and Pine Hill, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MacMillan Bloedel, Inc., 1250 Brown-Marx Building, Birmingham, AL 35203. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 138882 (Sub-74TA), filed May 15, 1978. Applicant: WILEY SANDERS, INC., P.O. Drawer 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, conduct, fittings, valves, and accessories therefor*, from the facilities of Slocomb Plastic Pipe and Products, Inc., located in Slocomb, AL, to points east of and including MT, WY, CO, and NM, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Slocomb Plastic Pipe and Products, Inc., P.O. Drawer J, Slocomb, AL 36375. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 140563 (Sub-11TA), filed March 30, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, 4481 Moeeland Avenue, Conley, GA 30027. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulating and packaging materials, molded expanded polystyreme*, from the facilities of Integrated Insulation Systems, Inc., in DeKalb County, GA, to points in AL, AR, DC, FL, IL, IN, KY, LA, MA, MI, NJ, NY, NC, OH, PA, SC, TN, and VA; and (2) *Materials, equipment, and supplies* used in the manufacture or distribution of insulating and packaging materials, molded expanded polystyrene, (except commodities in bulk), from points in the states named in (1) above, to the facilities of Integrated Insulation Systems, Inc., in DeKalb County, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Integrated Insulation Systems, Inc., 2022 Powers Perry Road, Suite 240, Atlanta, GA 30339. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 W. Peachtree Street NW., Room 300, Atlanta, GA 30309.

MC 142356 (Sub-5TA), filed May 17, 1978. Applicant: J. S. BRYANT TRUCKING CO., INC., Route 3, Box 214 C, Lynchburg, VA 24504. Representative: Calvin F. Major, 200 W. Grace Street, Suite 415, Richmond, VA 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, from Newport, Portsmouth and Norfolk, VA, to Lynchburg, and Radford, VA, under a continuing contract, or contracts, with Lynchburg Foundry Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lynchburg Foundry Co., Inc., Lynchburg, VA. Send protests to: Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

MC 142464 (Sub-2TA), filed May 18, 1978. Applicant: JOHN M. CHRISTOPHER, 3444 McCarty Lane, Lafayette, IN 47905. Representative: Brent C. Clary, 69 Lafayette Bank & Trust Bldg., P.O. Box 469, Lafayette, IN 47902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from the Sterling-Rock Falls, IL, Metropolitan Area, to points in IN, KY, MI (except the upper peninsula of MI), and OH; and (2) from points in IN, KY, MI (except the upper peninsula of MI), and OH, to the Sterling-Rock Falls, IL, Metropolitan Area, under a continuing contract, or contracts, with Northwestern Steel and Wire, Inc., 121 Wallace Street, Sterling, IL 61081. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne St., Suite 113, Fort Wayne, IN 46802.

MC 142559 (Sub-17TA), filed May 18, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fans, heaters, heat recyclers, vacuum cleaners, household compactors, door chimes, range hoods, and range splash plates, roof cappings, and parts, accessories, display materials and exhibition booths for such commodities*, (a) From Hartford, WI, to Clearwater and Tampa, FL; Atlanta, GA; New Orleans, LA; Wilkesboro, NC; Chattanooga and Nashville, TN; and Dallas, TX; and (b) between Hartford, WI, on the one hand, and, on the other, Old Forge, PA; and (2) *Parts and materials* used in the manufacture, packaging, sale, and distribution of the commodities described in (1) above, (a) From Jacksonville and Jonesboro, AR; Gainesville, GA; Chicago, IL; Fort Wayne, IN; Detroit and Owosso, MI; Wilkesboro, NC, and Columbus and West Lafayette, OH, to Hartford, WI, and (b) between Hartford, WI, on the one hand, and, on the other, Old Forge, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Broan Manufacturing Co., Inc., 926 W. State Street, Hartford, WI 53027. Send protests to:

James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 143127 (Sub-6TA), filed May 18, 1978. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, P.O. Box 9764, Rochester, NY 14623. Representative: John M. Nader, Rt. 3, Box 4, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except frozen, and in bulk), from Benton Harbor, Coloma, South Haven, and Fennville, MI, to points in the United States in and east of MI, IA, MO, AR, and LA, restricted to the transportation of traffic originating at the facilities of Michigan Fruit Canners, Division of Curtice-Burns, Inc., located at or near Benton Harbor, Coloma, South Haven, and Fennville, MI, for 180 days. Supporting shipper: Michigan Fruit Canners, Division of Curtice-Burns, Inc., P.O. Box 206, Coloma, MI 49038. Send protest to: Interstate Commerce Commission, U.S. Courthouse and Federal Bldg., 100 S. Clinton Street, Room 1259, Syracuse, NY 13260.

MC 144101 (Sub-2TA), filed May 15, 1978. Applicant: R. R. STANLEY, P.O. Box 95, Mesquite, TX 75149. Representative: Richard T. Churchill, 5001 S. Hulen, Suite 106, Fort Worth, TX 76132. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned or boxed, refrigerated hams*, from plantsite of Garland Foods, Inc., Dallas, TX, to CA and FL, under a continuing contract, or contracts, with Garland Foods, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Garland Foods, Inc., 5003 South Lamar, Dallas, TX 75215. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 144191 (Sub-2TA), filed May 15, 1978. Applicant: ELAINE MOON SIGNS, INC., d.b.a., Classic Vans of Virginia, P.O. Box 2471, West Springfield, VA 22152. Representative: John M. Ballenger, Major, Sage and King, 6121 Lincolnia Road, #400, Alexandria, VA 22313. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheeting and chemicals* used in the production of electronic circuit boards, between Vienna, VA, on the one hand, and, on the other, Bridgeport, Kearny, Oceanport and Pennsauken, NJ, under a continuing contract, or contracts, with Thiokol Dynachem Corp. of Tustin, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thiokol Dynachem Corp. of Tustin, CA, 234 Dominion Road NE., Vienna, VA. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, D.C. 20423.

MC 144682 (Sub-2TA), filed May 15, 1978. Applicant: R. R. STANLEY, P.O. Box 95, Mesquite, TX 75149. Representative: Richard T. Churchill, 5001 S. Hulen, Suite 106, Fort Worth, TX 76132. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods, NOI; prepared dough, not frozen, cakes, cookies, rolls, frozen, icing paste*, from plantsite of The Pillsbury Co., Denison, TX, to points in NM and CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Pillsbury Co., 3400 Texom Drive, Denison, TX 75020. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 144772 (Sub-1TA), filed May 18, 1978. Applicant: PINE PRAIRIE TRUCKING, INC., P.O. Box 305, Hamburg, AR 71646. Representative: James M. Duckett, 1021 Pyramid Life Bldg., Little Rock, AR 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, (in bulk), from Marks, MS, to Hope, Newell and Nashville, AR, under a continuing contract, or contracts, with Gold Kist Soy, of Marks, MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gold Kist Soy, P.O. Box 2210, Atlanta, GA 30301. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

By the Commission.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19631 Filed 7-14-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1252; ICC Order No. 61]

CP RAIL

Rerouting Traffic

To all railroads: In the opinion of Robert S. Turkington, agent, CP Rail is unable to transport promptly all traffic offered for movement over its lines between Richford, Vt., and Wells River, Vt., because of bridge damage.

It is ordered, (a) *Rerouting traffic.* CP Rail being unable to transport promptly all traffic offered for movement over its lines between Richford, Vt., and Wells River, Vt., because of bridge damage, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11 a.m., July 5, 1978.

Expiration date. This order shall expire at 11:59 p.m., July 15, 1978, unless otherwise modified, changed, or suspended.

This order 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 order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 5, 1978.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-19632 Filed 7-14-78; 8:45 am]

[7035-01]

[Section 5a Application No. 33; Amdt. No. 11]

CENTRAL STATES MOTOR COMMON CARRIERS AGREEMENT

JULY 7, 1978.

The Commission is in receipt of an application in the above proceeding for approval of amendments to the approved agreement.

Filed June 23, 1978 by: M. A. Godecker, Executive, Executive Vice President, Central States Motor Freight Bureau, Inc., attorney in fact; Joseph P. Wolonsky, General Counsel, Central States Motor Freight Bureau, Inc., 5440 South Cicero Avenue, Chicago, Ill. 60638, attorney for applicants.

The amendments concern: Changes to make the bylaws comply with the Commission's decision in ex parte No. 297 (Sub 2); and other changes involving various internal housekeeping matters such as territories, territorial offices, committee eligibility, annual meetings, trustees, etc.

The complete application may be inspected at the offices of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding, shall notify the Commission in writing on or before August 7, 1978. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

NANCY L. WILSON,
Acting Secretary.

SERVICE LIST FOR SECTION 5a APPLICATION AND AMENDMENTS

Mr. John R. Donelan, 914 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005.

Antitrust Division, Department of Justice, Washington, D.C. Stop 219.

National Industrial Traffic League, 712 Pennsylvania Building, 425-13th Street NW., Washington, D.C. 20004.

M. A. Godecker, Executive, Executive Vice President, Central States Motor Freight Bureau, Inc. attorney in fact.

Joseph P. Wolonsky, General Counsel, Central States Motor Freight Bureau, Inc., 5440 South Cicero Avenue, Chicago, Ill. 60638, attorney for applicants.

[FR Doc. 78-19633 Filed 7-14-78; 8:45 am]

[7035-01]

[Finance Docket No. 28778]

WEST VIRGINIA RAILROAD MAINTENANCE AUTHORITY d.b.a. SOUTH BRANCH VALLEY RAIL ROAD

Acquisition and Operation—Over the Baltimore & Ohio Railroad Co. in Hampshire, Hardy, and Grant Counties, W. Va.

The West Virginia Railroad Maintenance Authority (RMA) doing business as the South Branch Valley Rail Road (SBV), represented by Mr. John P. Kolloran, Executive Director, West Virginia Railroad Maintenance Authority, Suite 422, 922 Quarrier Street, Charleston, W. Va. 25301, hereby give notice that on the 31st day of May 1978, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 1(18) of the Interstate Commerce Act for an order approving and authorizing the acquisition and operation of a portion of the South Branch of the Baltimore & Ohio Railroad Co. (B&O) between B&O valuation station 32+00 at or near Green Spring, W.Va., and B&O valuation station 2746+11 at or near Petersburg, W.Va., a distance of approximately 51.40 miles, in Hampshire, Hardy, and Grant Counties, W.Va.

Applicant proposes to acquire by donation and operate the South Branch of the B&O, as a common carrier subject to part I of the act. By application filed October 28, 1976, in docket No. AB-19 (Sub-No. 32), B&O sought authority to abandon the line of railroad subject of this application. The abandonment application was approved and the issuance of a certificate was postponed to permit negotiation of financial assistance for continued operation and/or acquisition of the line. The RMA has sought and obtained funding from the Federal Railroad Administration under the provisions of the Regional Rail Reorganization Act of 1973 and the Railroad Revitalization and Regulatory Reform Act of 1976.

The Valley of the South Branch of the Potomac River, through which the South Branch runs, has a diverse economy heavily dependent on the railroad for its viability. Approval of the instant application will permit continued rail service to existing patrons and enhance the opportunities for the economic growth of the involved area.

Since the effect of approval of the application would be merely a continuation of present service and conditions, it is the opinion of RMA that the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

In accordance with the Commission's regulations (49 CFR 1108.8) in ex parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra. at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19634 Filed 7-14-78; 8:45 am]

[7035-01]

[Notice No. 123]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

IMPORTANT NOTICE

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filled 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 gov-

erned 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 in the ICC field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 139921 (Sub-44TA), filed April 3, 1978. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, OK 74079. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. By order of July 7, 1978, the Motor Carrier Board granted authority to applicant to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper, paper articles, and polyethylene articles* (except commodities in bulk), from the facilities of Jemco Packaging Products, Inc., at or near Jackson, TN, to points in AR, MO, KS, OK, TX, and CO. Notice of this application in the FEDERAL REGISTER on May 25, 1978, inadvertently showed points in OR in lieu of OK. Insofar as authority to serve points in OK is concerned, interested parties may file petitions for reconsideration on or before August 1, 1978. Send petitions to: Acting Secretary, Interstate Commerce Commission, Washington, DC 20423.

NANCY L. WILSON,
Acting Secretary.

[FR Doc. 78-19635 Filed 7-14-78; 8:45 am]

sunshine act meetings

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. 552(e)(3).

CONTENTS

	Item
Commodity Futures Trading Commission	1
Federal Election Commission	2
Federal Energy Regulatory Commission	3
Federal Home Loan Bank Board	5
Nuclear Regulatory Commission	4

[6351-01]

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m.—July 20, 1978.

PLACE: 2033 K Street NW., Washington, D.C.—5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Minimum Financial Regulations: Review of public comments policy discussion.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1460-78 Filed 7-13-78; 3:46 pm]

[6715-01]

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, July 19, 1978 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: Audit reports. Compliance. Personnel.

* * * * *

DATE AND TIME: Thursday, July 20, 1978, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

Matters to be considered:

Portions open to the public:

Setting of Future Meetings.
Correction and Approval of Minutes.
Pending Legislation.
Pending Litigation.
Appropriations and Budget.
Liaison With Other Federal Agencies.
Classification Actions.
Routine Administrative Matters.

Portions closed to the public (Executive Session):

Any matters not completed at the Executive Session of July 19.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-1457-78 Filed 7-13-78; 12:35 pm]

[6740-02]

3

FEDERAL ENERGY REGULATORY COMMISSION.

JULY 12, 1978.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94-409), 5 U.S.C. 552b:

TIME AND DATE: July 19, 1978, 10 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

GAS AGENDA—150TH MEETING—JULY 19, 1978

REGULAR MEETING

CAG-1. Docket No. CP73-339 (PGA78-6), Chattanooga Gas Co.
CAG-2. Docket No. RP71-11 (PGA78-5), Tennessee Natural Gas Lines, Inc.
CAG-3. Docket No. RI78-8, Richard C. Slack, et al.
CAG-4. Docket No. CP77-71, Natural Gas Pipeline Co. of America. Docket No. CP77-118, Columbia Gas Transmission Corp., Columbia Gulf Transmission Co. Docket No. CP77-125, Texas Gas Transmission Corp.
CAG-5. Docket No. CI77-541, Transco Exploration Co.
CAG-6. Docket Nos. CI78-710, CI78-711, and CI78-723, American Natural Gas Production Co.
CAG-7. Docket No. CP77-604, El Paso Natural Gas Co. Docket No. CP77-658, Transwestern Pipeline Co.
CAG-8. Docket No. CP78-299, National Fuel Gas Supply Corp.
CAG-9. Docket No. CP75-231, Colorado Interstate Gas Co. Docket No. CP77-442, Mountain Fuel Supply Co.
CAG-10. Docket No. RP75-79, *Lehigh Portland Cement Co. v. Florida Gas Transmission Co.*

GAS AGENDA—150TH MEETING—JULY 19, 1978

REGULAR MEETING

I. Pipeline Rate Matters

A. Pipeline Rates:
RP-1. Docket Nos. RP74-89 and RP73-35 (AP76-1), Trunkline Gas Co.
RP-2. Docket No. RP74-86, Gulf Energy & Development Corp.
RP-3. Docket No. RP72-142 and RP76-135 (PGA78-4) (AP78-1), Cities Service Gas Co.
RP-4. Docket No. RP74-41, Texas Eastern Transmission Corp.

II. Producer Certificate Matters

A. Producer Certificates:
CI-1. Docket No. CI78-31, Phillips Petroleum Co.
CI-2. Docket No. CI75-45, Tenneco Oil Co.

III. Pipeline Certificate Matters

A. Pipeline Certificates:
CP-1. Docket No. CP74-192, Florida Gas Transmission Co.
CP-2. Docket Nos. CP78-102 and CP78-111, Columbia Gulf Transmission Co.
CP-3. Docket No. CP78-123, et al., Northwest Alaskan Pipeline Co.
CP-4. Docket No. CP76-85, et al., Algonquin Gas Transmission Co., et al.
CP-5. Docket No. CP76-492, National Fuel Gas Supply Corp., et al.

MISCELLANEOUS AGENDA—150TH MEETING—JULY 19, 1978

REGULAR MEETING

M-1. Amendment of Certificates To Conform to Actual Construction.
M-2. Docket No. RM77-14, Gas Research Institute.
M-3. Docket No. RM78-7, Policy Examination of 60-Day Emergency Natural Gas Programs.

POWER AGENDA—150TH MEETING—JULY 19, 1978

REGULAR MEETING

CAP-1. Docket No. ER78-353, Indiana & Michigan Electric Co.
CAP-2. Docket No. ER78-437, Consumers Power Co.
CAP-3. Docket No. ES78-40, Montana-Dakota Utilities Co.

CAP-4. Docket No. ES78-24, El Paso Electric Co.
CAP-5. Project No. 2534, Bangor Hydro-Electric Co.
CAP-6. Project No. 485, Georgia Power Co.
CAP-7. Docket No. ES78-39, Montana-Dakota Utilities Co.
CAP-8. Project No. 2825, International Generation & Transmission Co., Inc.
CAP-9. Docket No. ES78-36, Gulf States Utilities Co.

POWER AGENDA—150TH MEETING—JULY 19, 1978

REGULAR MEETING

I. Electric Rate Matters

ER-1. Docket Nos. ER76-654 and E-9145, Utah Power & Light Co.
ER-2. Docket Nos. ER78-379, ER78-380, ER78-381, ER78-382, and ER78-383, Indiana and Michigan Electric Co.
ER-3. Docket No. ER78-446, West Penn Power Co.
ER-4. Docket No. ER77-531, Illinois Power Co.
ER-5. Docket No. ER76-495 (phase II), Carolina Power & Light Co.
ER-6. Docket No. ER77-311, Utah Power & Light Co.

II. Licensed Project Matters

P-1. Docket No. E-6730, Reeves Brothers, Inc.

KENNETH F. PLUMB,
Secretary.

[S-1458-78 Filed 7-13-78; 12:35 am]

[7590-01]

4

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: July 19 and 20, 1978.

PLACE: Commissioner's Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/Closed.

Wednesday, July 19

10 a.m.—1. General Briefing on Waste Management (Approx. 2 hrs.) (Public Meeting.)

2 p.m.—1. Discussion of Licensing of Spent Fuel Storage in an Independent Spent Fuel Storage Installation (Approx. 1 hr.) (Public Meeting.) 2. Discussion of General Policy Statement on Nuclear Power Reactor Site Evaluations (Approx. 1 hr.) (Public Meeting.)

Thursday, July 20

2 p.m.—1. Briefing on Reactor Licensing Schedules (Approx. 1 hr.) (Public Meeting.) 2. Affirmation Items (Approx. 10 min.) (Public Meeting.) a. Emergency Plans for Production and Utilization Facilities. 3. Discussion of Settlement Proposal in Midland Special Proceeding (Approx. 30 min.) (Closed—Exemptions 6 and 9.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

JULY 12, 1978.

[S-1459-78 7-13-78; 12:36 pm]

[6720-01]

5

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: At the conclusion of the open meeting to be held at 9:30 a.m. on July 20, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Closed meeting.

MATTERS TO BE CONSIDERED: Consideration of bylaw amendment.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling, 202-377-6677.

No. 165, July 13, 1978.

[S-1464-78 Filed 7-14-78; 11:19 am]

federal register

MONDAY, JULY 17, 1978
PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

■

List of Health Manpower Shortage Areas Designated Under Section 332 of the Public Health Service Act

[4110-83]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

LIST OF HEALTH MANPOWER SHORTAGE AREAS DESIGNATED UNDER SECTION 332 OF THE PUBLIC HEALTH SERVICE ACT

1. PURPOSE

This notice provides a list of health manpower shortage areas as designated by the Secretary of Health, Education, and Welfare under the authority of section 332 of the Public Health Service Act.

2. BACKGROUND

Section 332 of the Public Health Service Act, as amended by Pub. L. 94-484 (the Health Professions Educational Assistance Act of 1976), provides that the Secretary of Health, Education, and Welfare shall designate health manpower shortage areas in accordance with criteria established under section 332(b). Health manpower shortage areas are defined in section 332(a) to include (1) urban and rural geographic areas, (2) population groups, and (3) facilities with shortages of health manpower. Section 332(d) requires that the Secretary publish a list of the designated geographic areas, population groups, and facilities. The list of areas is to be reviewed at least annually, and revised as necessary. The Health Resources Administration's Bureau of Health Manpower has been assigned the responsibility for designating these areas.

This is the first list of areas designated under the new section 332. Public or nonprofit entities in (or with a demonstrated interest in) these areas are eligible to apply for assignment of National Health Service Corps personnel to provide health services in or to the areas. These areas are also eligible service areas for Public Health Service loan repayment and scholarship programs, and entities located in the areas are eligible to apply for (or receive preference for) certain grant programs under the Public Health Service Act.

3. DEVELOPMENT OF LIST

Criteria for the designation of health manpower shortage areas in accordance with section 332(b) were published by the Department of Health, Education, and Welfare as Interim-Final Regulations in the FEDERAL REGISTER of January 10, 1978 (43 FR 1586). Criteria were defined for each of seven health manpower types (primary medical care, dental, psychiatric, vision care, podiatric, pharmacy, and veterinary manpower). Data available to the Bureau of Health Manpower on counties and small areas throughout the country were then compared with these criteria, and preliminary listings were developed of those areas which tentatively appeared to meet the criteria. In accordance with section 332(c) and the Interim-Final Regulations, these preliminary listings were submitted in January to the appropriate Health Systems Agencies (HSA's), State Health Planning and Development Agencies (SHPDA's) and Governors for their review and recommendations. In addition, the many requests received for designation of particular areas, population groups, or facilities were also submitted to the appropriate HSA's, SHPDA's, and Governors for review and recommendations.

Each request for designation was reviewed by the Bureau of Health Manpower together with any recommendations received concerning these designations, and a determination was made as to whether or not these areas involved met the shortage criteria. The results of these determinations were then provided by letter to the requesting agency or individual, with copies to other appropriate agencies and to interested organizations and persons. Where a review resulted in designation of one or more areas, this letter constituted the official notice of designation. The same procedure was applied in reviewing agencies' responses to the listings sent to them in January for review. (Most requests and responses have concerned designation of primary medical care and dental manpower shortage areas.)

The list below represents, for primary medical care and dental manpower, a compilation of those areas, population groups and facilities already formally designated by letter by the Bureau of Health Manpower between January 10 (the date of the publication of the Interim-Final Regulations and criteria in the FEDERAL REGISTER) and May 31, 1978.

In the fields of vision care, podiatric, pharmacy and veterinary manpower, there have been few requests for designation, and few responses from the agencies to the January preliminary listings of those areas which appeared to meet the criteria. As a result, few designations in these fields have been made. For these types of health manpower, the list below contains the names of all those counties which, based on Bureau of Health Manpower data, appear to meet the criteria. This listing has been modified to reflect reviews of individual cases carried out whenever appropriate agencies have made recommendations. For these four types of manpower, therefore, publication here represents the first official notification of designations under section 332. In the case of psychiatric shortage area designations, appropriate data listings were not available in January for review by HSA's, SHPDA's, and Governors. Consequently, a national list of these areas is not yet available. Appropriate materials will be sent out in the near future and the resulting list of psychiatric shortage areas will be published at a later date.

4. FORMAT OF LIST

For each type of manpowr, the list of areas is arranged by State. Within each State, the list is first presented by county. In those cases where a portion (or portions) of a county has been designated, the service area(s) involved are listed under the county name. Following the county listing, a list of these service areas is presented showing their component parts in terms of civil divisions or census tracts.

Where population groups or facilities have been designated, these are listed under the county name(s) in which the population resides or the facility is located.

Beside each designated area, the appropriate "degree of shortage" group is indicated, corresponding to the criteria for these groupings contained in the Interim-Final Regulations. (Group I represents areas with the highest degree of shortage, Group II with the next highest degree of shortage, etc.)

In addition to the specific listings showing here, all Indian tribes within the meaning of the definition in section 4(d) of Pub. L. 94-437, the Indian Health Care Improvement Act of 1976, are automatically designated as population groups with a health manpower shortage.

5. SUPPLEMENTAL LIST OF NHSC-STAFFED SITES PREVIOUSLY DESIGNATED UNDER SECTION 329(B)

Under section 407(c) of Pub. L. 94-484, areas which had been designated under section 329(b) of the Public Health Service Act as of September 30, 1977, and in which National Health Service Corps (NHSC) personnel were providing health services on that date, are automatically designated as health manpower shortage areas under section 332, until the end of the assignment period of those personnel. Supplementary lists of these areas follow the lists of primary care and dental shortage areas designated using the new criteria.

The designation of any area listed on this supplemental list will lapse at the end of the current assignment period, unless, prior to that time, it is determined that the area satisfies the new criteria and notification of redesignation under section 332 is made.

The format for this list of areas is also by type of manpower and by State. Within each State, the name of the previously designated area is

given, followed by the name of the clinic or other facility staffed, and the community and county in which the facility is located. In certain cases, some difficulty was encountered identifying the exact section 329(b) designated service area involved; in these cases, the staffed facility is listed under the heading "designation unidentified." Any facility for which the previous designation remains unidentified will not be included in the next published list.

6. Future Updates of List of Designated Areas

The list below consists of those areas designated by May 31, 1978, only, and is by no means complete. Additional areas are being designated continuously, and future updates of the list of designated areas will be made available to interested persons upon request and will be published periodically in the Federal Register. (In particular, it should be noted that additional areas have been designated between May 31 and the date of this notice, and the appropriate agencies and persons notified on the designation. Although officially designated, these areas are not included in the list below.)

Any designated area listed below is subject to withdrawal from designation if new information is presented to and confirmed by the Bureau of Health Manpower indicating that the situation in the area has changed, or that erroneous or incomplete data was used in making the original designation. Future lists of designated areas published in the Federal Register will include the names of any areas which have been withdrawn from designation since the previous publication.

For further information on these designations, to request additional designations, or to request withdrawal of any designation, please contact:

Manpower Analysis Branch, Bureau of Health Manpower, Health Resources Administration. Attn: Shortage Area Designation Section, Center Building, room 4-41, 3700 East-West Highway, Hyattsville, Md. 20782.

All requests for designation or withdrawal should be based on the criteria as published in the Interim-Final Regulations, which appeared in the Federal Register on January 10,1978. (Comments which have been received on the Interim-Final Regulations are being reviewed, and Final Regulations will be published later this year. Modifications to the list of designated areas will then be made if necessary to reflect any differences between the Interim-Final and Final Regulations.)

Dated: July 10, 1978.

Henry A. Foley,
Administrator,
Health Resorces Administration.

HEALTH MANPOWER SHORTAGE AREAS—PRIMARY CARE

Alabama

County Listing

County name	Degree of shortage group
Bibb	04
Elmore	02
Fayette	02
Greene	03
Hale	03
Jefferson:	
Service area, Roosevelt City	02
Lamar	03
Mobile:	
Service area, Davis area community	01
Service area, Bayou La Batre	01
Pickens	01
Tuscaloosa:	
Service area, Tuscaloosa	01

Service Area Listing

Service area name	Degree of shortage group
Greene Hale	03
County—Greene	03
County—Hale	03
Davis area community	01
County—Mobile:	
Parts of county:	
C.T. 2	
C.T. 3	
C.T. 4.01	
C.T. 4.02	
C.T. 5	
C.T. 6	
Tuscaloosa	01
County—Tuscaloosa:	
Parts of county:	
C.T. 0116	
C.T. 0117	
C.T. 0118	
C.T. 0119	
Bayou La Batre	01
County—Mobile:	
Parts of county:	
C.T. 66 (parts)	
C.T. 67 (parts)	
C.T. 72 (parts)	
C.T. 73 (parts)	
Roosevelt City	
County—Jefferson:	02
Parts of county:	
C.T. 105	
C.T. 131	
C.T. 133	
C.T. 136	
C.T. 137	

Arizona

County Listing

County name	Degree of shortage group
Apache:	
Service area, south-south central Apache County	04
Service area, White Mountain Indian Reservation	03
Cochise:	
Service area, Bowie CCD	01
Service area, Tombstone City area	03
Maricopa:	
Service area, South Phoenix	02
Navajo:	
Service area, Hopi Indian Reservation	01
Service area, White Mountain Indian Reservation	03
Pima:	
Service area, Marana MSA	02
Pinal:	
Service area, Central/West Pinal County	02
Santa Cruz:	
Service area, Patagonia	02
Yuma:	
Service area, Northern Yuma County	01
Service area, Somerton Clinic Target area	01

Arizona—Continued

Service Area Listing

Service area name	Degree of shortage group
Northern Yuma County	01
County—Yuma:	
Parts of county:	
Parker division	
South-south central Apache County	04
County—Apache:	
Parts of county:	
Round Valley division	
St. John division	
Puesco division	
Somerton Clinic Target area	01
County—Yuma:	
Parts of county:	
Somerton	
Wellton (part)	
Hopi Indian Reservation	01
County—Navajo:	
Parts of county:	
Hopi division	
Tombstone City area	03
County—Cochise:	
Parts of county:	
Tombstone Pl. (part of Tombstone division)	
White Mountain Indian Reservation	03
County—Apache:	
Parts of County:	
McNary CCD	
County—GILA:	
Parts of county:	
Reservation division	
Central/West Pinal County	02
County—Pinal:	
Parts of county:	
Maricopa/Stanfield	
Casa Grande	
Elroy	
Coolidge	
Florence	

Arkansas

County Listing

County name	Degree of shortage group
Lawrence	04
Mississippi	04
Stone	02

California

County Listing

County name	Degree of shortage group
Del Norte	04
Fresno:	
Service area, Firebaugh/Mendota	01
Inyo:	
Service area, Death Valley	01
Kern:	

Service Area Listing—Continued

Service area name	Degree of shortage group
Service area, Frazier Park	02
Los Angeles:	
Service area, Monterey Park/Rosemead	03
Service area, North El Monte/South El Monte	03
Service area, Industry/La Puente/Baldwin	02
Madera:	
Service area, Oakhurst-North Fork	02
Mendocino:	
Service area, northwest Mendocino	01
Merced:	
Service area, northern Merced County	03
Service area, MIG/Spanish speaking population in greater Merced	02
Service area, Los Banos/Dos Palos	03
Monterey:	
Serevice area, Seaside	02
Service area, Soledad	01
San Benito	04
San Luis Obispo:	
Service area, Nipomo/Arroyo Grande	02
Santa Clara:	
Service area, Loma Prieta School District	02
Santa Cruz:	
Stanislaus:	
Service area, MIG/Spanish speaking population in Southwest Stanislaus	02
Ventura:	
Service area, the developmentally disabled in Ventura County	02

Service Area Listing

Service area name	Degree of shortage group
Seaside	02
County—Monterey:	
Parts of county:	
Seaside division	
Soledad	01
County—Monterey:	
Parts of county:	
Soledad division	
Northern Merced County	03
County—Merced:	
Parts of county:	
Atwater division	
Livingston Delhi division	
Hilmar-Irwin division	
Snelling division	
Oakhurst—North Fork	02
County—Madera:	
Parts of county:	
Oakhurst—North Fork CCD	
The developmentally disabled in Ventura County	02
County—Ventura:	
Parts of county:	
The developmentally disabled in Ventura	
Monterey Park/Rosemead	03
County—Los Angeles:	
Parts of county:	
C.T. 4322	
C.T. 4329	
C.T. 4336	
C.T. 4336	
C.T. 4813	
C.T. 4817	
C.T. 4818	
C.T. 4820	
C.T. 4821	
C.T. 4822	
C.T. 4823	
C.T. 4824	
Monterey Park/Rosemead	03
County-Los Angeles:	
Parts of county:	
C.T. 4825	
C.T. 4826	
C.T. 4827	
C.T. 4828	
Death Valley	04

Service Area Listing—Continued

Service area name	Degree of shortage group
County—Inyo:	
Parts of county:	
E.D. 23 of Death Valley division	
E.D. 24 of Death Valley division	
E.D. 25 of Death Valley division	
E.D. 26 of Death Valley division	
North El Monte/South El Monte	03
County—Los Angeles:	
Parts of county:	
C.T. 4315	
C.T. 4323	
C.T. 4324	
C.T. 4325	
C.T. 4326	
C.T. 4327	
C.T. 4328	
C.T. 4331	
C.T. 4332	
C.T. 4333	
C.T. 4334	
C.T. 4335	
C.T. 4337	
C.T. 4338	
C.T. 4339	
C.T. 4340	
Industry/La Puente/Baldwin	02
County—Los Angeles:	
Parts of county:	
C.T. 4047	
C.T. 4052	
C.T. 4069	
C.T. 4070	
Loma Prieta School District	02
County—Santa Cruz:	
Parts of county:	
San Lorenzo Valley (part)	
Scotts Valley division (part)	
Los Banos/Dos Palos	03
County—Merced:	
Parts of county:	
Dos Palos division	
Los Banos division	
Northwest Mendocino	01
County—Mendocino:	
Parts of county:	
Laytonville—Leggett	
Firebaugh/Mendota	01
County—Fresno:	
Parts of county:	
Firebaugh division	
Mendota division	

COLORADO

County Listing

County name	Degree of shortage group
Baca	04
Bent	04
Conejos	01
Costilla	01
Crowley	03
Kiowa	02
Montezuma	01
Montrose:	
Service area, NUCLA	04
Ouray	01
Prowers	04
San Juan	01
San Miguel	01
Sedgwick	01

Service Area Listing

Service area name	Degree of shortage group
San Luis Valley	01
County—Conejos	01
County—Costilla	01
NUCLA	00

Service Area Listing—Continued

Service area name	Degree of shortage group
County—Montrose:	
Parts of county:	
NUCLA Division	

CONNECTICUT

County Listing

County name	Degree of shortage group
Fairfield:	
Service area, southeast Bridgeport	01
Service area, central Bridgeport	01
Service area, southwest Bridgeport	01
Service area, north central Bridgeport	01
Service area, southwest Stamford	01
Service area, south Norwalk	03
Hartford:	
Service area, north-north central Hartford	04

Service Area Listing

Service area name	Degree of shortage group
North central Bridgeport	01
County—Fairfield:	
Parts of county:	
C.T. 728	
Southwest Stamford	01
County—Fairfield:	
Parts of county:	
C.T. 222	
C.T. 223	
South Norwalk	03
Parts of county:	
C.T. 418	
C.T. 419	
C.T. 422	
C.T. 423	

DELAWARE

County Listing

County name	Degree of shortage group
New Castle:	
Service area, city of Wilmington	02
Service area, Odessa-Middletown-Townsend	03
Sussex:	
Service area, Milton	02

Service Area Listing

Service area name	Degree of shortage group
City of Wilmington	02
County—New Castle:	
Parts of County:	
C.T. 1	
C.T. 8	
C.T. 9	
C.T. 17	
C.T. 20	
C.T. 154	
C.T. 155	
C.T. 156	
Milton	02
County—Sussex:	
Parts of County:	
Selbyville-Frankford CCD	
Millsboro CCD	
Milton CCD	

Service Area Listing—Continued

Service area name	Degree of shortage group
Odessa-Middletown-Townsend	03
County—New Castle:	
Parts of County:	
Middletown Odessa CCD	

DISTRICT OF COLUMBIA

County Listing

County name	Degree of shortage group
District of Columbia:	
Service area, Anacostia service area	01

Service Area Listing

Service area name	Degree of shortage group
Anacostia service area	01
County—District of Columbia:	
Parts of County:	
C.T. 73.1	
C.T. 78.5	
C.T. 78.7	
C.T. 78.8	
C.T. 96	
C.T. 97	
C.T. 98	
C.T. 73.2	
C.T. 73.3	
C.T. 73.4	
C.T. 73.6	
C.T. 73.7	
C.T. 73.8	
C.T. 74.1	
C.T. 74.2	
C.T. 74.4	
C.T. 74.5	
C.T. 75.1	
C.T. 75.2	
C.T. 76.1	
C.T. 76.2	
C.T. 76.3	
C.T. 77.1	
C.T. 77.2	
C.T. 77.3	
C.T. 77.5	
C.T. 77.6	
C.T. 77.7	
C.T. 78.1	
C.T. 78.2	
C.T. 78.3	
C.T. 78.4	

FLORIDA

County Listing

County name	Degree of shortage group
Dade	
Service area, southern Dade	01
Lee	
Service area, Lee County migrant population	01
Palm Beach	
Service area, census tract 78	01

Service Area Listing

Service area name	Degree of shortage group
Southern Dade	01
County—Dade:	
C.T. 103	
C.T. 104	
C.T. 105	
C.T. 106.02	
C.T. 108	
C.T. 109	
C.T. 110	
C.T. 111	
C.T. 112	
C.T. 113	
C.T. 114	
C.T. 115	
Census tract 78	01
County—Palm Beach:	
Parts of county:	
C.T. 78	
Lee County migrant population	01
County—Lee:	
Parts of county:	
Lee County migrant population	

GEORGIA

County Listing

County name	Degree of shortage group
Baker	04
Butts	02
Chattahoochee	01
Cherokee	04
Clarke	02
Clarke:	
Service area, Athens NHC target area	01
Crawford	01
Dougherty	03
Fayette	02
Fulton:	
Service area, Atlanta (southside)	01
Service area, Palmetto service area	01
Hancock	02
Henry	02
Jasper	01
Jones	02
Lee	04
Meriwether	02
Montgomery	01
Newton	03
Pulaski	03
Quitman	03
Randolph	03
Stewart	02
Walker	02
Walker:	
Service area, South Walker	02
Webster	02
Wheeler	01
Wilcox	03
Wilkinson	03

Service Area Listing

Service area name	Degree of shortage group
Stewart-Webster MSA	02
County—Stewart	02
County—Webster	02
Atlanta (southside)	01
County—Fulton:	
Parts of county:	
C.T. 44	
C.T. 45	
C.T. 46	
C.T. 47	
C.T. 48	
C.T. 49	
C.T. 52	
C.T. 53	
C.T. 55.01	
C.T. 55.02	
C.T. 57	
C.T. 58	
C.T. 63	
C.T. 64	
C.T. 66	
C.T. 67	
C.T. 68	
C.T. 69	
C.T. 70	
C.T. 71	
C.T. 72	
C.T. 73	
Baker/Dougherty/Lee	03
County—Baker	04
County—Dougherty	03
County—Lee	04
Randolph/Quitman	03
County—Randolph	03
County—Quitman	03
Pulaski/Wilcox	03
Athens NHC target area	01
County—Clarke:	
Parts of county:	
C.T. 2	
C.T. 3	
C.T. 6	
C.T. 9	
South Walker	02
County—Walker:	
Parts of county:	
C.T. 206	
C.T. 207	
C.T. 208	
C.T. 209	
Palmetto service area	01
County—Fulton:	
Parts of county:	
C.T. 13 (Palmetto CCD)	

IDAHO

County Listing

County name	Degree of shortage group
Bannock:	
Service area, eastern Snake River Valley migrant area	01
Bingham	
Canyon:	
Service area, Treasure Valley migrant area No. 1	04
Caribou	
Cassia:	
Service area, Magic Valley migrant area	01
Gem:	
Service area, Treasure Valley migrant area No. 2	01
Gooding:	
Service area, Magic Valley migrant area	01
Jerome	
Lincoln	
Minidoka	
Owyhee:	
Service area, Treasure Valley migrant area No. 1	04
Payette:	
Service area, Treasure Valley migrant area No. 2	01
Power:	
Service area, eastern Snake River Valley migrant area	01
Twin Falls:	
Service area, Magic Valley migrant area	01
Washington:	
Service area, Treasure Valley migrant area No. 2	01

Service Area Listing

Service area name	Degree of shortage group
Treasure Valley migrant area No. 2	01
County—Gem:	
Parts of county:	
Migrant population	
County—Payette:	
Parts of county:	
Migrant population	
County—Washington:	
Parts of county:	
Migrant population	
County—Malheur:	
Parts of county:	
Migrant population	
Treasure Valley migrant area No. 1	04
County—Canyon:	
Parts of county:	
Migrant population	
County—Owyhee:	
Parts of county:	
Migrant population	
Magic Valley migrant area	01
County—Cassia:	
Parts of county:	
Migrant population	
County—Gooding:	
Parts of county:	
Migrant population	
County—Jerome:	
Parts of county:	
Migrant population	
County—Lincoln:	
Parts of county:	
Migrant population	
County—Minidoka:	
Parts of county:	
Migrant population	
County—Twin Falls:	
Parts of county:	
Migrant population	
Eastern Snake River Valley migrant area	01
County—Bannock:	
Parts of county:	
Migrant population	
County—Bingham:	
Parts of county:	
Migrant population	
County—Power:	
Parts of county:	
Migrant population	

ILLINOIS

County Listing

County name	Degree of shortage group
Alexander	02
Brown	01
Calhoun	01
Champaign:	
Service area, north end-Champaign Urbana	01
Clinton	03
Cook:	
Service area: Robbins	01
Service area: southeast Chicago	01
Service area: South Lawndale—lower west side	01
Service area: uptown	01
Service area: Phoenix	01
Service area: east Chicago Heights	01
Service area: Cabrini-Green/near north side	01
Franklin	02
Greene	04
Henderson	02
Johnson	02
Macoupin	04
Mason	04
Montgomery	03
Pope	02
Randolf	01
St. Clair:	
Service area, east side health district (St. Louis)	02

ILLINOIS—Continued

County name	Degree of shortage group
Scott	02
Union	02

Service Area Listing

Service area name	Degree of shortage group
Cabrini-Green/near north side	01
County—Cook	
Parts of county:	
C.T. 803	
C.T. 804	
C.T. 805	
C.T. 806	
C.T. 807	
C.T. 808	
C.T. 809	
C.T. 810	
C.T. 817	
C.T. 818	
C.T. 819	

INDIANA

County Listing

County name	Degree of shortage group
Brown	03
Crawford	01
Harrison	03
Jennings	03
Lake:	
Service area, Gary, area No. I	01
Marion:	
Service area, southwest Indianapolis	02
Service area, near north side (Indianapolis)	02
Service area, south-central Indianapolis	02
Service area, Barrington (Indianapolis)	01
Martin	03
Monroe:	
Service area, Gosport	01
Morgan	
Ohio	01
Owen	03
Perry	04
Posey	04
Ripley	04
Shelby	04
Spencer	02
Starke	04
Switzerland	01

Service Area Listing

Service area name	Degree of shortage group
Gary, area No. I	01
County—Lake:	
Parts of county:	
C.T. 101	
C.T. 127	
C.T. 128	
C.T. 129	
C.T. 102	
C.T. 103	
C.T. 104	
C.T. 105	
C.T. 106	
C.T. 107	
C.T. 108	
C.T. 109	
C.T. 110	
C.T. 111	
C.T. 112	
C.T. 113	

Service Area Listing—Continued

Service area name	Degree of shortage group
C.T. 114	
C.T. 115	
C.T. 116	
C.T. 117	
C.T. 118	
C.T. 119	
C.T. 120	
C.T. 121	
C.T. 122	
C.T. 123	
C.T. 124	
C.T. 125	
C.T. 126	
Southwest Indianapolis	02
County—Marion:	
Parts of county:	
C.T. 3411	
C.T. 3412	
C.T. 3413	
C.T. 3414	
C.T. 3415	
C.T. 3416	
C.T. 3422	
C.T. 3423	
C.T. 3424	
C.T. 3425	
C.T. 3426	
C.T. 3427	
C.T. 3537	
C.T. 3538	
C.T. 3564	
C.T. 3565	
C.T. 3566	
C.T. 3581	
Near north side (Indianapolis)	02
County—Marion:	
Parts of county:	
C.T. 3517	
C.T. 3518	
C.T. 3519	
C.T. 3520	
C.T. 3521	
C.T. 3522	
C.T. 3528	
C.T. 3529	
C.T. 3530	
C.T. 3531	
C.T. 3532	
South-Central Indianapolis	02
County—Marion:	
Parts of county:	
C.T. 3557	
C.T. 3558	
C.T. 3559	
C.T. 3560	
C.T. 3561	
C.T. 3562	
C.T. 3563	
C.T. 3567	
C.T. 3568	
C.T. 3569	
C.T. 3570	
C.T. 3571	
C.T. 3578	
C.T. 3579	
C.T. 3580	
Barrington (Indianapolis)	01
County—Marion:	
Parts of county:	
C.T. 3572	
C.T. 3573	
C.T. 3574	
C.T. 3575	
C.T. 3576	
Gosport	01
County—Owen:	
Parts of county:	
Harrison Township	
Jennings Township	
Montgomery Township	
Taylor Township	
Wayne Township	
County—Morgan:	
Parts of county:	
Ray Township	
County—Monroe:	
Parts of county:	
Bean Blossom Township	

IOWA

County Listing

County name	Degree of shortage group
Benton:	
Service area, La Porte City	01
Black Hawk	
Buchanan	

Service Area Listing

Service area name	Degree of shortage group
La Porte City	01
County—Black Hawk:	
Parts of county:	
Big Creek Township	
Cedar Township	
Fox Township	
Eagle Township	
Orange Township	
Spring Creek Township	
County—Benton:	
Parts of county:	
Bruce Township	
Cedar Township	
County—Buchanan:	
Parts of county:	
Westbury Township	
Jefferson Township	

KANSAS

County Listing

County name	Degree of shortage group
Chase	04
Elk	03
Jackson	01
Jefferson	03
Linn	03
Miami	03
Nemaha	04
Rawlins	04
Reno	02
Service area: Haven	02
Rush	
Sedgwick	
Service area: Haven	02
Wabaunsee	01
Washington	02
Wichita	03
Woodson	03

Service Area Listing

Service area name	Degree of shortage group
Haven	02
County—Reno:	
Parts of County:	
Haven Township	
Yoder Township	
Lincoln Township	
Center Township	
Castleton Township	
Troy Township	
Albion Township	
Ninnescah Township	
Sumner Township	
County—Sedgwick:	
Parts of County:	
Greely	

LOUISIANA

County Listing

County name	Degree of shortage group
Pointe Coupee	01

MAINE

County Listing

County name	Degree of shortage group
Androscoggin:	
Service area, Leeds	01
Aroostook:	
Service area, northern Aroostook MSA	03
Service area, southern Aroostook	01
Cumberland:	
Service area, Kezar Falls	01
Hancock:	
Service area, Bucksport MSA	01
Kennebec:	
Service area, Albion MSA	02
Service area, Leeds	01
Knox:	
Service area, Penobscot Bay	01
Oxford:	
Service area, Kezar Falls	01
Penobscot:	
Service area, Dexter area	03
Piscataguis:	
Bingham:	
Service area, Bingham MSA	04
Service area, Jackman	01
Service area, Dexter area	03
Waldo:	
Service area, Albion MSA	02
Service area, Bucksport MSA	01
Washington:	
Service area, Lubec MSA	03
Service area, Eastport	03
York:	
Service area, Kezar Falls	01

Service Area Listing

Service area name	Degree of shortage group
Penobscot Bay	03
County—Knox:	
Parts of county:	
Vinalhaven Island	
North Haven Island	
Matinicus Island	
Isle Au Haut	
Albion MSA	02
County—Waldo:	
Parts of county:	
Troy Town	
Unity Town	
Thorndike Town	
Jackson Town	
Monroe Town	
Brooks Town	
Knox Town	
Freedom Town	
Montville Town	
Liberty Town	
Palermo Town	
County—Kennebec:	
Parts of county:	
Albion Town	
Vassalboro Town	
China Town	
Bingham MSA	04
County—Somerset:	
Parts of county:	
Solon Town	
Bingham Town	
Moscow Township	
Mayfield Town	
Brighton Town	
Pleasant Ridge Plantation	

Service Area Listing—Continued

Service area name	Degree of shortage group
The Forks Plant	
Caratunk Plant	
West Forks Plant	
Lubec MSA	03
County—Washington:	
Parts of county:	
Lubec Township	
Cutler Township	
Whiting Township	
Pembroke Township	
Dennysville Township	
Perry Township	
Edmunds Township	
Eastport City	
Charlotte Township	
Plantation No.14	
Robbinston Township	
Northern Aroostook MSA	03
County—Aroostook:	
Parts of county:	
Unorganized territory of north Aroostook	
Unorganized territory of central Aroostook	
Allagash Plantation	
St. Francis Plantation	
Bridgewater Town	
Blaine Town	
Winterville Plantation	
CYR Plantation	
Hamlin Plantation	
Westmoreland Plantation	
Nashville	
Garfield Plantation	
E Plantation	
Oxbow Plantation	
Eagle Lake Town	
Ashland Town	
Frenchville Town	
St. Agatha Town	
Madawaska Town	
Grand Isle Town	
Van Vuren Town	
Stockholm Town	
Southern Aroostook	01
County—Aroostook:	
Parts of county:	
Unorganized territory of south Aroostook	
Weston Town	
Moro Plantation	
Glenwood Plantation	
Reed Plantation	
Macurahoc Plantation	
Merrill Town	
Monticello Town	
Smyrna Town	
Hersey Town	
Dyer Brook Town	
Oakfield Town	
Crystal Town	
Island Falls Town	
Sherman Town	
Benedicta Town	
Amity Town	
Bancroft Town	
Bucksport MSA	01
County—Hancock:	
Parts of county:	
Dedham Town	
Orland Town	
Penobscot Town	
Verona Town	
Bucksport Town	
County—Waldo:	
Parts of county:	
Prospect Town	
Stockton Springs Town	
Leeds	01
County—Kennebec:	
Parts of county:	
Wayne Town	
Monmouth Town	
County—Androscoggin:	
Parts of county:	
Turner Town	
Greene Town	
Leeds Town	
Jackman	01

Service Area Listing—Continued

Service area name	Degree of shortage group
County—Somerset:	
Parts of county:	
Jackman Town	
Moose River Town	
Dennistown Plant	
Kezar Falls	01
County—Cumberland:	
Parts of county:	
Baldwin Town	
County—York:	
Parts of county:	
Newfield Town	
Limerick Town	
Cornish Town	
Parsonfield	
County—Oxford:	
Parts of county:	
Brownfield	
Hiram Town	
Porter Town	
Eastport	03
County—Washington:	
Parts of county:	
Eastport	
Perry	
Pleasant Pl. and IR	
Pembroke (part)	
Dennysville (part)	
Edmunds (part)	
Charlotte (part)	
Robbinston (part)	
Dexter area	03
County—Penobscot:	
Parts of county:	
Dexter	
1670	
Exeter	
Garland	
County—Piscataguis:	
Parts of county:	
Wellington	
County—Somerset:	
Parts of county:	
Athens	
Harmony	
Ripley	
St. Alban	

MARYLAND

County Listing

County name	Degree of shortage group
Anne Arundel	03
Service area, Owensville service area	03
Caroline	04
Dorchester:	
Service area, northeast Dorchester County	01
Garrett	04
Queen Annes	03
Somerset:	
Service area, Princess Anne	01
Washington:	
Service area, Keedysville	01
Worcester:	
Service area, Pocomoke City	02
Baltimore City:	
Service area: North Central Baltimore	01
Service area: O'Donnell Heights	01
Service area: Cherry Hill	01
Service area: Constant Care Service Area	02
Service area: East Baltimore	02
Service area: West Baltimore	03
Service area: Northwest Baltimore	01
Service area: Hampden/Woodberry/Remington	03

Service Area Listing

Service area name	Degree of shortage group
North Central Baltimore	01
County—Baltimore City:	
Parts of county:	
C.T. 802	
C.T. 803.01	
C.T. 803.02	
C.T. 804	
C.T. 805	
C.T. 901	
C.T. 902	
C.T. 903	
C.T. 904	
C.T. 905	
C.T. 906	
C.T. 907	
C.T. 908	
C.T. 1204	
O'Donnell Heights	01
County—Baltimore City:	
Parts of County:	
C.T. 2606.01	
C.T. 2606.02	
Keedysville	01
County—Washington:	
Parts of County:	
Election District 1	
Election District 6	
Election District 8	
Pocomoke City	02
County—Worchester:	
Parts of County:	
C.T. 8	
C.T. 7	
C.T. 1	
Princess Anne	01
County—Somerset:	
Parts of County:	
C.T. 1	
C.T. 3	
C.T. 4	
C.T. 6	
C.T. 8	
C.T. 13	
C.T. 15	
Cherry Hill	01
County—Baltimore City:	
Parts of County:	
C.T. 2502.01	
C.T. 2502.02	
C.T. 2502.03	
C.T. 2502.04	
C.T. 2502.05	
C.T. 2503.01	
C.T. 2503.02	
C.T. 2503.03	
Owensville service area	03
County—** Blank Field **:	
Parts of County:	
C.T. 7012	
C.T. 7013	
C.T. 7014	
C.T. 7070	
C.T. 7080	
Constant care service area	02
County—** Blank Field **:	
Parts of County:	
C.T. 402	
C.T. 1401	
C.T. 1402	
C.T. 1403	
C.T. 1501	
C.T. 1502	
C.T. 1601	
C.T. 1602	
C.T. 1603	
C.T. 1604	
C.T. 1701	
C.T. 1702	
C.T. 1703	
C.T. 2101	
East Baltimore	02
County—** Blank Field **:	
Parts of County:	
C.T. 501	
C.T. 603	
C.T. 604	
C.T. 605	
C.T. 704	
C.T. 806	

Service Area Listing—Continued

Service area name	Degree of shortage group
C.T. 807	
C.T. 808	
C.T. 909	
C.T. 1001	
C.T. 1002	
C.T. 1004	
West Baltimore	03
County—** Blank Field **:	
Parts of County:	
C.T. 1801	
C.T. 1802	
C.T. 1803	
C.T. 1901	
C.T. 1902	
C.T. 1903	
C.T. 2001	
C.T. 2002	
C.T. 2003	
C.T. 2004	
C.T. 2005	
Northwest Baltimore	02
County—Baltimore City:	
Parts of County:	
C.T. 1512	
Northwest Baltimore	01
County—Baltimore City:	
Parts of County:	
C.T. 1513	
C.T. 2716	
C.T. 2717	
C.T. 2718.01	
C.T. 2718.02	
Norteast Dorchester County	01
County—Dorchester:	
Parts of County:	
C.T. 1	
C.T. 2	
C.T. 3	
C.T. 12	
C.T. 15	
Hampden/Woodberry/Remington	01
County—Baltimore City:	
Parts of County:	
C.T. 1203	
C.T. 1206	
C.T. 1207	
C.T. 1305	
C.T. 1306	
C.T. 1308.02	

MASSACHUSETTS

County Listing

County name	Degree of shortage group
Essex:	
Service area, Peabody	02

Service Area Listing

Service area name	Degree of shortage group
Peabody	02
County—Essex:	
Parts of County:	
C.T. 2106	
C.T. 2107	
C.T. 2108	
C.T. 2109	

MICHIGAN

County Listing

County name	Degree of shortage group
Alcona	02
Alger	04
Bay:	
Service area, Sterling	02
Genesee:	02
Service area, Otter Lake	02
Service area, North Central Flint	02
Bay:	
Service area Sterling	02
Houghton:	
Service area, Calumet/Keweenaw	01
Keweenaw	01
Lapeer:	
Service area, Otter Lake	02
Livingston:	
Service area, Cohoctah	01
Oakland:	
Service area, Milford	02
Saginaw:	
Service area, Chesaning	01
St. Clair:	
Service area, Algonac	04
Shiawassee:	
Service area, Cohoctah	01
Service area, Chesaning	01
Tuscola:	
Service area, Otter Lake	02

Service Area Listing

Service area name	Degree of shortage group
Milford	02
County—Oakland:	
arts of county:I92 Wixon City	
Commerce Township	
Milford Township	
Highland Township	
White Lake Township	
Calumet/Keweenaw	01
County—Keweenaw	01
County—Houghton:	
Parts of county:	
Calumet Township	
Hancock	
Osceola	
Schoolcraft	
Torch Lake	
Choctah	01
County—Shiawassee:	
Parts of county:	
Antrim Township	
Burns Township	
Perry City	
Perry Township	
County—Livingston:	
Parts of county:	
Conway Township	
Cohocta Township	
Deerfield Township	
Algonac	04
County—St. Clair:	
Parts of county:	
Algonac City	
Casco Township	
China Township	
Clay Township	
Columbus Township	
Cottrellrille Township	
East China Township	
DRA Township	
Marine City	
St. Clair City	
St. Clair Township	
Otter Lake	02
County—Genesee:	
Parts of county:	
Thetford Township	
Forest Township	
County—Tuscola:	
Parts of county:	
Arbela Township	
Millington Township	

Service Area Listing—Continued

Service area name	Degree of shortage group
Watertown Township	
County—Lapeer:	
Parts of county:	
Marathon Township	
Deerfield Township	
Rich Township	
Chesaning	01
County—Saginaw:	
Parts of county:	
Chapin Township	
Brady Township	
Chesaning Township	
Maple Grove Township	
County—Shiawassee:	
Parts of county:	
Fairfield Township	
Rush Township	
New Haven Township	
Hazelton Township	
North Central Flint	02
County—Genesee:	
Parts of county:	
C.T. 4	
C.T. 5	
C.T. 6	
C.T. 7	
C.T. 20	
C.T. 21	
C.T. 22	
C.T. 23	
C.T. 24	
C.T. 25	
C.T. 26	
Sterling	02
County—Bay:	
Parts of county:	
Arenac	
Gibson Township	
County—Bay:	
Parts of county:	
Bourret Township	
Bentley Township	
Grim Township	

MINNESOTA

County Listing

County name	Degree of shortage group
Beltrami	02
Cottonwood:	
Service area, Northwest Cottonwood County	04
Hennepin:	
Service area, Am. Ind. in Minneapolis	01
Lake of the Woods	02
Pine:	
Service area, Sandstone	04
Pipestone:	
Service area, Red Lake	02
Polk:	
Redwood	04
Roseau	01

Service Area Listing

Service area name	Degree of shortage group
Red Lake	02
County—Polk:	
Parts of county:	
Badge township	
Garden township	
Godfrey township	
Grove Park township	
Knute township	
Tilden township	
Winger township	
Woodside township	
County—Pipestone:	

Service Area Listing—Continued

Service area name	Degree of shortage group
Parts of county:	
Fertile village	
Mentor	
Minger village	
Lake of the Woods-Beltrami	02
County—Beltrami	02
County—Lake of the Woods	02
Sandstone	04
County—Pine:	
Parts of county:	
Arlone township	
Arna township	
Askov village township	
Barry township	
Bremen township	
Bruno township	
Clover township	
Danforth township	
Dill Grove township	
Finlayson township	
Fleming township	
Hinckley township	
New Dosey township	
Ogema township	
Park township	
Partridge township	
Pine Lake township	
Sandstone township	
Wilma township	
Finlayson village	
Hinckley village	
Sandstone village	
Northwest Cottonwood County	04
County—Cottonwood	
Parts of county:	
Ann township	
Highwater township	
Westbrook township	
Storden township	
Amboy township	
Rose Hill township	
Jeffers village	
Storden village	
Westbrook village	
Am. Ind. in Minneapolis	01
County—Hennepin:	
Parts of county:	
American Indian population in Minneapolis	

MISSISSIPPI

County Listing

County name	Degree of shortage group
Alcorn:	
Service area, Shiloh Pickwick	02
Coahoma	03
George	03
Madison	01
Tishomingo	

Service Area Listing

Service area name	Degree of shortage group
Shiloh Pickwick	02
County—Tishomingo:	
Parts of county:	
District 1	
District 2	
County—Alcorn:	
Parts of county:	
District 2	
County—Hardin	02
County—McNairy	02

MISSOURI

County Listing

County name	Degree of shortage group
Bollinger	01
Carter	02
Christian	04
Crawford	02
Dade	02
De Kalb	02
Douglas	01
Gasconade	04
Iron	03
Jackson:	
Service Area, central Kansas City	02
Jefferson	01
McDonald	04
Maries	01
New Madrid	03
Oregon	01
Ozark	03
Polk	03
Reynolds	01
Ripley	02
St. Charles	04
Ste. Genevieve	04
Shannon	02
Stone	02
Texas	01
Washington	01
Wayne	04
Webster	03
St. Louis City:	
Service area, Southeast St. Louis	03
Service area, North St. Louis	02

Service Area Listing

Service area name	Degree of shortage group
Central Kansas City	02
County—Jackson:	
Parts of county:	
C.T. 36.02	
C.T. 37	
C.T. 38	
C.T. 39	
C.T. 40	
C.T. 41	
C.T. 42	
C.T. 52	
C.T. 53	
C.T. 54	
C.T. 55	
C.T. 56.01	
Southeast St. Louis	03
County—St. Louis City:	
Parts of county:	
C.T. 1011	
C.T. 1232	
C.T. 1233	
C.T. 1234	
C.T. 1235	
C.T. 1241	
C.T. 1242	
C.T. 1243	
C.T. 1244	
C.T. 1245	
C.T. 1173 (portion)	
C.T. 1174 (portion)	
C.T. 1175 (portion)	
C.T. 1012	
C.T. 1013	
C.T. 1014	
C.T. 1015	
C.T. 1016	
C.T. 1017	
C.T. 1023	
C.T. 1024	
C.T. 1025	
C.T. 1151	
C.T. 1152	
C.T. 1153	
C.T. 1154	
C.T. 1155	
C.T. 1156	
C.T. 1157	

Service Area Listing—Continued

Service area name	Degree of shortage group
C.T. 1161	
C.T. 1162	
C.T. 1163	
C.T. 1164	
C.T. 1165	
C.T. 1221	
C.T. 1222	
C.T. 1224	
C.T. 1231	
North St. Louis	02
County—St. Louis City:	
Parts of county:	
C.T. 1051	
C.T. 1093	
C.T. 1094	
C.T. 1095	
C.T. 1101	
C.T. 1102	
C.T. 1103	
C.T. 1104	
C.T. 1105	
C.T. 1111	
C.T. 1112	
C.T. 1113	
C.T. 1114	
C.T. 1115	
C.T. 1201	
C.T. 1202	
C.T. 1203	
C.T. 1212	
C.T. 1213	
C.T. 1252	
C.T. 1253	
C.T. 1261	
C.T. 1262	
C.T. 1263	
C.T. 1264	
C.T. 1265	
C.T. 1121 (portion)	
C.T. 1052	
C.T. 1122 (portion)	
C.T. 1123 (portion)	
C.T. 1192 (portion)	
C.T. 1193 (portion)	
C.T. 1211 (portion)	
C.T. 1214 (portion)	
C.T. 1251 (portion)	
C.T. 1053	
C.T. 1054	
C.T. 1055	
C.T. 1061	
C.T. 1062	
C.T. 1063	
C.T. 1064	
C.T. 1065	
C.T. 1066	
C.T. 1067	
C.T. 1071	
C.T. 1072	
C.T. 1073	
C.T. 1074	
C.T. 1075	
C.T. 1076	
C.T. 1077	
C.T. 1081	
C.T. 1082	
C.T. 1083	
C.T. 1084	
C.T. 1084	
C.T. 1085	
C.T. 1091	
C.T. 1092	

MONTANA

County Listing

County name	Degree of shortage group
Big Horn	01
Blaine	03
Fallon	03
Gallatin:	
Service Area, West Yellowstone	01
Glacier:	

MONTANA—Continued

County name	Degree of shortage group
Service Area, Babb-Browning	01
Golden Valley	01
Hill:	
Service Area, Chester	01
Jefferson:	
Service Area, Boulder	01
Judith Basin	01
Musselshell	02
Petroleum	01
Phillips	01
Pondera:	
Service Area, Babb-Browning	01
Roosevelt:	
Service Area, Poplar	01
Rosebud	03
Treasure	03
Valley	04

Service area listing

Service area name	Degree of shortage group
Chester	01
County—Hill:	
Parts of county	
Gidford division	
Rudyard division	
Popular	01
County—Roosevelt:	
Parts of county:	
Popular division	
Wolf Point rural division	
Wolf Point division	
West Yellowstone	01
County—Gallatin:	
Parts of county:	
West Yellowstone	
Rosebud	03
County—Rosebud	03
County—Treasure	03
Babb-Browning	01
County—Glacier:	
Parts of county:	
Browning—E. Glacier division	
Babb division	
County—Pondera:	
Parts of county:	
Valier-Dupeyer division	
Boulder	01
County—Jefferson:	
Parts of county:	
Boulder division	
Petroleum—Judith Basin	01
County—Petroleum	01
County—Judith Basin	01

NEBRASKA

County Listing

County name	Degree of shortage group
Angelope:	
Service area, Albion MSA	03
Arthur:	
Service Area, Mullen	01
Blaine	01
Boone	03
Brown	04
Buffalo:	
Service Area, Sherman	04
Cass	04
Cedar	02
Chase	02
Cherry:	
Service Area, Mullen	01
Clay	01
Cuming	03
Custer:	
Service Area, Arnold	01
Deuel	01

Service Area Listing—Continued

Service area name / County name	Degree of shortage group
Dixon	02
Dundy	02
Fillmore	04
Franklin	03
Garfield	03
Gosper	01
Grant	01
Greeley:	
Service Area, Albion MSA	03
Hayes	02
Hitchcock	02
Hooker	01
Keith	
Service Area, Sutherland MSA	01
Keya Paha	02
Lincoln:	
Service Area, Arnold	01
Service Area, Sutherland MSA	01
Logan:	
Service Area, Mullen	01
Service Area, Arnold	01
Loup	02
McPherson	01
Merrick	03
Nance:	
Service Area, Albion MSA	03
Nemaha	04
Nuckolls	02
Perkins:	
Service Area, Sutherland MSA	01
Platte:	
Service Area, Albion MSA	03
Rock	02
Sherman	04
Sioux	01
Stanton	02
Thayer	04
Thomas	01
Wheeler	03

Service Area Listing

Service area name	Degree of shortage group
Mullen	01
County—Grant	01
County—Hooker	01
County—Cherry:	
Parts of county:	
Gillapsie	
Cleveland	
Lacey	
Wells	
Loup	
Goosecreek	
Pleasant Hill	
Calf Creek	
Mother Lake	
County—Arthur:	
Parts of county:	
Edward	
Arthur	
Lena	
County—McPherson	01
County—Logan:	
Parts of county:	
Dort	
Stapleton	
Cody Lake	
Lone Valley	
Burt	
County—Thomas	01
Arnold	01
County—Custer:	
Parts of county:	
Hayes	
Arnold	
Cliff	
Triumph	
Elim	
Delight	
Wayne	

Service Area Listing—Continued

Service area name / County name	Degree of shortage group
County—Logan:	
Parts of county:	
Gandy	
Logan	
County—Lincoln:	
Parts of county:	
Whittier	
Garfield	
Harrison	
Table	
Cox	
Antelope	
Bassett	02
County—Rock	02
County—Loup	03
County—Keya Paha	02
Albion MSA	03
County—Antelope:	
Parts of county:	
Logan	
County—Boone	03
County—Nance:	
Parts of county:	
Timer Creek	
County—Platte:	
Parts of county:	
Walker	
St. Bernard	
County—Greeley:	
Parts of county:	
Spaulding	
Southwest Nebraska	02
County—Hayes	02
County—Hitchcock	02
County—Chase	02
County—Dundy	02
Sutherland MSA	01
County—Lincoln:	
Parts of county:	
North Rosedale CCD	
Hershey CCD	
Sunshine CCD	
Fairview CCD	
Nowell CCD	
Wallace CCD	
Hooker CCD	
Dickens CCD	
Willow CCD	
County—Keith:	
Parts of county:	
Paxton CCD	
County—Perkins:	
Parts of county:	
Woodson CCD	
Yankee CCD	
Marvin CCD	
Duel-Sedgewick MSA	01
County—Deuel	01
County—Sedgewick	01
Cedar-Dixon	02
County—Cedar	02
County—Dixon	02
Sherman	04
County—Sherman	04
County—Buffalo:	
Parts of county:	
Beaver Township	
Garfield Township	
Cherry Creek Township	
Cedar Township	
Schneider Township	
Gardner Township	
Ravenna City	
Garfield	03
County—Garfield	03
County—Wheeler	03

NEVADA

County Listing

County name	Degree of shortage group
Churchill	04
Clark:	
Service area, Searchlight-Davis Dam-Southpoint	01
Service area, Indian Springs	01

NEVADA—Continued

County name	Degree of shortage group
Service area, Virgin Valley	01
Service area, Moapa Valley	01
Service area, Lake Mead	01
Service area, Jean-Goodsprings Sandy Valley	00
Service area, Blue Diamond-Lee Canyon-Mount Charleston	01
Service area, Central/North Central Las Vegas	01
Service area, Paiute Indian Colony—Las Vegas Valley	04
Service area, Paiute Indian—Moapa Valley	04
Douglas	04
Elko:	
Service area, Wells	01
Esmeralda	01
Humboldt	03
Lander	04
Lincoln	03
Lyon	01
Mineral	04
Nye:	
Service area, Nye County service area	01
Storey	01
Washoe:	
Service area, Stead-Lemmon Valley	01
Service area, Sun Valley	01
Service area, Wadsworth	01
Service area, Gerlach/Bald Mountain	01
White Pine	04

Service Area Listing

Service area name	Degree of shortage group
Indian Springs	01
County—Clarke:	
Parts of county:	
C.T. 59 (southwest)	
C.T. 58 (north)	
Virgin Valley	01
County—Clarke:	
Parts of county:	
C.T. 56 (north)	
Moapa Valley	01
County—Clarke:	
Parts of county:	
C.T. 56 (cent./w. cent.)	
Lake Mead	01
County—Clarke:	
Parts of county:	
C.T. 56 (southern part)	
Jean-Goodsprings Sandy Valley	01
County—Clarke:	
Parts of county:	
C.T. 58 (southeast)	
C.T. 57 (northwest)	
Blue Diamond-Lee Canyon-Mount Charleston	01
County—Clarke:	
Parts of county:	
C.T. 58 (central)	
Central/north central Las Vegas	01
County—Clark:	
Parts of county:	
C.T. 3.01	
C.T. 3.02	
C.T. 7	
C.T. 9	
C.T. 11	
C.T. 35	
C.T. 36	
C.T. 37	
C.T. 38	
C.T. 46	
Paiute Indian Colony—Las Vegas Valley	04
County—Clark:	
Parts of county:	
Paiute Indian Colony—Las Vegas Valley	
Paiute Indian—Moapa Valley	04
County—Clark:	
Parts of county:	
Paiute Indian—Moapa Valley	

NEW YORK—Continued

Wells	01
County—Elko:	
Parts of county:	
Wells Township	
Nye County service area	01
County—Nye:	
Parts of county:	
Tonopah Township	
Pahrump Township	
Beatty Township	
Stead-Lemmon Valley	01
County—Washoe:	
Parts of county:	
C.T. 26	
Sun Valley	01
County—Washoe:	
Parts of county:	
C.T. 27	
Wadsworth	01
County—Washoe:	
Parts of county:	
C.T. 31	
Gerlach/Bald Mountain	01
County—Washoe:	
Parts of county:	
Gerlach Township	
C.T. 34	
Searchlight-Davis Dam-Southpoint	01
County—Clark:	
Parts of county:	
C.T. 57 (southern part)	

NEW HAMPSHIRE

County Listing

County name	Degee of shortage group
Coos:	
Service area, Upper Connecticut Valley	03
Grafton:	
Service area, Baker River Valley	01
Rockingham:	
Service area, northwest Rockingham County	02

Service Area Listing

Service area name	Degree of shortage group
Northwest Rockingham County	02
County—Rockingham:	
Parts of county:	
Nottingham Town	
Deerfield	
Candia	
Raymond	
Fremont	
Epping	
Upper Connecticut Valley	03
County—Coos:	
Parts of county:	
Colebrook Town	
Columbia Town	
Stratford Town	
Stewartown Town	
Pittsburg Town	
Dixville Town	
Errol Town	
Clarksville	
Millsville Town	
Wentsworth location	
Atkinson-Gilman Academy grant	
Dixs grant	
Second College grant	
Odell Town	
County—Essex:	
Parts of county:	
Canaan Town	
Lexington Town	
Bloomfield Town	

Service Area Listing—Continued

Service area name	Degree of shortage group
Brunswich Town	
Averill Town	
Norton Town	
Baker River Valley	01
County—Grafton:	
Parts of county:	
Warren Town	
Runmey Town	
Wentworth Town	

NEW JERSEY

County Listing

County name	Degree of shortage group
Camden:	
Service area, northeast Camden	04
Service area, northwest Camden	02
Service area, west central Camden	02
Cumberland:	
Service area, Bridgeton	04
Service area, Leesburg State Prison	01
Essex:	
Service area, Dayton service area	01
Service area, Gladys E. Dickenson service area	04
Service area, north Newark	03
Service area, central Newark	03
Ocean	04
Passaic:	
Service area, west Milford Township	02
Service area, downtown Passaic	01
Service area, northside neighborhood (Patterson)	01

Service Area Listing

Service area name	Degree of shortage group
Dayton service area	01
County—Essex:	
Parts of county:	
C.T. 47	
C.T. 48.01	
C.T. 48.02	
C.T. 49	
C.T. 50	
C.T. 51	
Gladys E. Dickenson service area	04
County—Essex:	
Parts of county:	
C.T. 86	
C.T. 87	
C.T. 88	
C.T. 89	
C.T. 90	
C.T. 91	
North Newark	03
County—Essex:	
Parts of county:	
C.T. 92	
C.T. 93	
C.T. 94	
C.T. 95	
C.T. 96	
C.T. 97	
West Milford Township	02
County—Passaic:	
Parts of county:	
West Milford Township (C.T. 2568)	
Northeast Camden	04
County—Camden:	
Parts of county:	
C.T. 6011	
C.T. 6012	
C.T. 6013	
Northwest Camden	02
County—Camden:	
Parts of county:	
C.T. 6007	

Service Area Listing—Continued

Service area name	Degree of shortage group
C.T. 6008	
West Central Camden	02
County—Camden:	
Parts of county:	
C.T. 6016	
C.T. 6017	
C.T. 6018	
C.T. 6019	
Downtown Passaic	01
County—Passaic:	
Parts of county:	
C.T. 1814	
C.T. 1815	
C.T. 1816.01	
C.T. 1816.02	
C.T. 1817.01	
C.T. 1817.02	
C.T. 1818	
C.T. 1820	
C.T. 1822	
C.T. 1829	
Bridgeton	04
County—Cumberland:	
Parts of county:	
Bridgeton City	
Downe Township	
Fairfield Township	
Greenwich Township	
Hopewell Township	
Lawrence Township	
Shiloh Borough	
Stow Creek Township	
Central Newark	03
County—Essex:	
Parts of county:	
C.T. 60	
C.T. 2 (portion)	
C.T. 3 (portion)	
C.T. 91 (portion)	
C.T. 62	
C.T. 63	
C.T. 64	
C.T. 65	
C.T. 66	
C.T. 80	
C.T. 81	
C.T. 82	
C.T. 83	
C.T. 31	
C.T. 39	
C.T. 84 (portion)	
C.T. 85 (portion)	
C.T. 10 (portion)	
C.T. 11 (portion)	
C.T. 14 (portion)	
C.T. 15 (portion)	
C.T. 40 (portion)	
C.T. 55 (portion)	
C.T. 56 (portion)	
C.T. 57 (portion)	
C.T. 59 (portion)	
C.T. 16 (portion)	
C.T. 34 (portion)	
C.T. 67 (portion)	
Northside Neighborhood (Patterson)	01
County—Passaic:	
Parts of county:	
C.T. 1803	
C.T. 1804	
C.T. 1805	
C.T. 1806	
C.T. 1807	
Leesburg State Prison	01
County—Cumberland:	
Parts of county:	
Leesburg State Prison	

NEW YORK

County Listing

County name	Degree of shortage group
Allegany:	
Service area, Arcade	02

NEW YORK—Continued

County name	Degree of shortage group
Service area, Andover	04
Bronx:	
Service area, South Bronx—Fort Apache	03
Service area, Hunts Point (health area)	01
Service area, Soundview area	02
Cattaraugus:	
Service area, Arcade	02
Erie:	
Service area, Lower West Side	02
Essex:	
Service area, southeastern Essex	03
Franklin:	
Service area, Altamont	01
Genesee:	
Service area, Bergen	02
Greene:	
Service area, western Greene County	04
Hamilton	01
Kings:	
Service area, east New York section of Brooklyn	01
Monroe:	
Service area, Bergen	02
Service area, westside of Rochester	00
Montgomery:	
Service area, western Montgomery County	01
New York	
Onondaga:	
Service area, Syracuse Chc target area	01
Service area, southern Onondaga County	02
Orleans:	
Service area, Oak Orchard	04
Rensselaer:	
Service area, southeastern Rensselaer County	02
Richmond:	
Service area, Mariner's Harbor	01
St. Lawrence:	
Service area, southern St. Lawrence County	02
Steuben:	
Service area, Andover	04
Suffolk:	
Service area, Southold/Shelter Island	03
Wyoming:	
Service area, Arcade	00

Service Area Listing

Service area name	Degree of shortage group
Oak Orchard	04
County—Orleans:	
Parts of county:	
Carlton	
Gaines	
Albion	
Barre	
Clarendon	
Murray	
Kendall	
Arcade	02
County—Wyoming:	
Parts of county:	
Arcade	
Eagle	
Java	
Orangeville	
Sheldon	
Wetnersfield	
County—Allegany:	
Parts of county:	
Centerville	
Rushford	
County—Cattaraugus:	
Parts of county:	
Farmersville	
Freedom	
Machias	
Yorkshire	
Altamont	01
County—Franklin:	
Parts of county:	

Service Area Listing—Continued

Service area name	Degree of shortage group
Altamont Town	
Bergen	02
County—Genessee:	
Parts of county:	
Bergen	
Byron	
County—Monroe:	
Parts of county:	
Riga	
Western Greene County	04
County—Greene:	
Parts of county:	
Ashland	
Halcott	
Hunter	
Jewett	
Lexington	
Prattsville	
Windham	
Western Montgomery County	01
County—Montgomery:	
Parts of county:	
Canajoharie	
Minden	
Palatine	
Root	
St. Johnsville	
Andover	04
County—Allegany:	
Parts of county:	
Almond	
West Almond	
Ward	
Wellsville	
Willing	
Independence	
Andover	
Alfred	
County—Steuben:	
Parts of county:	
Hartsville	
Greenwood	
West Union	
Jasper	
Troupsburg	
South Bronx—Fort Apache	03
County—Bronx:	
Parts of county:	
C.T. 123	
C.T. 161	
C.T. 155	
C.T. 121.01	
C.T. 127.01	
C.T. 121.02	
C.T. 125	
C.T. 131	
C.T. 153	
Southeastern Rensselaer County	02
County—Rensselaer:	
Parts of county:	
Stephentown division	
Berlin division	
Lower West Side	02
County—Erie:	
Parts of county:	
C.T. 68	
C.T. 71.01	
C.T. 71.02	
C.T. 72.02	
C.T. 2.01	03
County—New York:	
Parts of county:	
C.T. 2.01	
Hunts Point (health area)	01
County—Bronx:	
Parts of county:	
C.T. 5	
C.T. 81	
C.T. 81.99	
C.T. 91	
C.T. 97	
C.T. 99	
C.T. 105	
C.T. 115.02	
Southern St. Lawrence County	02
County—Lawrence:	
Parts of county:	
Clare town	
Clifton Town	

Service Area Listing—Continued

Service area name	Degree of shortage group
Edwards Town	
Fine Town	
Pitcairn Town	
Russell Town	
Southold/Shelter Island	03
County—Suffolk:	
Parts of county:	
Shelter Island Town	
Southold Town	
Soundview Area	02
County—Bronx:	
Parts of county:	
C.T. 2	
C.T. 78	
C.T. 84	
C.T. 86	
C.T. 98	
C.T. 102	
C.T. 4	
C.T. 16	
C.T. 20	
C.T. 24	
C.T. 28	
C.T. 36	
C.T. 38	
C.T. 40.01	
C.T. 40.02	
C.T. 44	
C.T. 46	
C.T. 48	
C.T. 50	
C.T. 52	
C.T. 54	
C.T. 56	
C.T. 58	
C.T. 60	
C.T. 62	
C.T. 64	
C.T. 66	
C.T. 68	
C.T. 70	
C.T. 72	
C.T. 74	
East New York section of Brooklyn	01
County—Kings:	
Parts of county:	
C.T. 401	
C.T. 1122	
C.T. 1124	
C.T. 1126	
C.T. 1128	
C.T. 1130	
C.T. 1132	
C.T. 1134	
C.T. 1138	
C.T. 1140	
C.T. 1142.01	
C.T. 1142.02	
C.T. 1146	
C.T. 1148	
C.T. 1150	
C.T. 1152	
C.T. 1154	
C.T. 1156	
C.T. 1158	
C.T. 1160	
C.T. 1162	
C.T. 1164	
C.T. 1166	
C.T. 1168	
C.T. 1170	
C.T. 1172	
C.T. 1174	
C.T. 403	
C.T. 1178	
C.T. 1180	
C.T. 1182	
C.T. 1184	
C.T. 1186	
C.T. 1188	
C.T. 1190	
C.T. 1192	
C.T. 1194	
C.T. 1196	
C.T. 1200	
C.T. 1202	
C.T. 1208	
C.T. 1210	
C.T. 1214	

Service Area Listing—Continued

Service area name	Degree of shortage group
C.T. 1220	
C.T. 405	
C.T. 407	
C.T. 409	
C.T. 411	
C.T. 413	
C.T. 437	
C.T. 904	
C.T. 906	
C.T. 908	
C.T. 910	
C.T. 912	
C.T. 914	
C.T. 1040	
C.T. 1058	
C.T. 1070	
C.T. 1078	
C.T. 1100	
C.T. 1102	
C.T. 1106	
C.T. 1110	
C.T. 1112	
C.T. 1114	
C.T. 1118	
C.T. 1120	
Syracuse Chc target area	01
County—Onondaga:	
Parts of county:	
C.T. 30	
C.T. 40	
C.T. 41	
C.T. 42	
C.T. 53	
Southern Onondaga County	02
County—Onondaga:	
Parts of county:	
Lafayette	
Fabius	
Pompey	
Tully	
Otisco	
Onondaga Indian Reservation	
Southeastern Essex	03
County—Essex:	
Parts of county:	
Moriah division	
North Hudson division	
Crowpoint division	
Ticonderoga division	
Mariner's Harbor	01
County—Richmond:	
Parts of county:	
C.T. 223	
C.T. 231	
C.T. 239	
C.T. 319.01	
C.T. 319.02	
Westside of Rochester	03
County—Monroe:	
Parts of county:	
C.T. 1	
C.T. 69	
C.T. 70	
C.T. 71	
C.T. 72	
C.T. 73	
Westside of Rochester	00
County—Monroe:	
Parts of county:	
C.T. 74	
C.T. 75	
C.T. 87	
C.T. 88	
C.T. 86 (part)	
C.T. 2	
C.T. 3	
C.T. 4	
C.T. 16	
C.T. 17	
C.T. 18	
C.T. 19	
C.T. 20	
C.T. 21	
C.T. 22	
C.T. 23	
C.T. 24	
C.T. 25	
C.T. 26	
C.T. 27	

Service Area Listing—Continued

Service area name	Degree of shortage group
C.T. 40	
C.T. 41	
C.T. 42	
C.T. 62	
C.T. 63	
C.T. 64	
C.T. 65	
C.T. 66	
C.T. 67	
C.T. 68	

NORTH CAROLINA

County Listing

County Name	Degree of shortage group
Alexander	02
Ashe	04
Buncombe:	
Service area, Bat Cave service area	01
Caldwell	04
Caswell	01
Chatham	04
Davie	03
Gaston	04
Henderson	
Jackson	04
McDowell	03
Macon	04
Mitchell	04
Montgomery	00
Person	02
Randolph	03
Robeson:	
Service area, Rowland service area	01
Stokes	02
Swain	02
Union	03
Yadkin	01

Service Area Listing

Service area name	Degree of shortage group
Bat Cave service area	01
County—Henderson:	
Parts of county:	
E.D. 1	
E.D. 2	
E.D. 3	
E.D. 4	
E.D. 5	
E.D. 7	
County—Buncombe:	
Parts of county:	
E.D. 204	
E.D. 205	
E.D. 206	
E.D. 207	
Rowland service area	01
County—Robeson:	
Parts of county:	
Alfordsville	
Gaddy	
Rowland	
Thompson	
Union	

NORTH DAKOTA

County Listing

County name	Degree of shortage group
Dunn	01
Mercer	02

NORTH DAKOTA—Continued

County name	Degree of shortage group
Morton	03
Oliver	02
Sioux	01

Service Area Listing

Service area name	Degree of shortage group
Mercer/Dunn	02
County—Mercer	02
County—Dunn	02

OHIO

County Listing

County name	Degree of shortage group
Adams	04
Brown	02
Clark:	
Service area, Rocking Horse	02
Clermont	03
Cuyahoga:	
Service area, area No. 1—Cleveland	02
Service area, Glenville	01
Highland:	
Service area, Greenfield	01
Service area, Chillocothe	02
Hocking:	
Jackson	04
Lawrence	02
Meigs	02
Monroe	02
Morgan	02
Perry	03
Pickaway:	
Pike	02
Ross	02
Sandusky:	
Service area, migrant population—Sandusky county	01
Vinton	01
Vinton:	
Service area, Chillocothe	02
Warren	02

Service Area Listing

Service area name	Degree of shortage group
Area 1—Cleveland	02
County—Cuyahoga:	
Parts of county:	
Census tract 1012	
Census tract 1015-1019	
Census tract 1022-1029	
Census tract 1031-1039	
Census tract 1041-1049	
Census tract 1051-1056	
Census tract 1079	
Census tract 1087-1089	
Census tract 1091-1099	
Census tract 1101-1103	
Census tract 1129	
Census tract 1131-1139	
Census tract 1141-1148	
Glenville	01
County—Cuyahoga:	
Parts of county:	
Census tract 1114	
Census tract 1161-1168	
Census tract 1181-1185	
Greenfield	01
County—Highland:	
Parts of county:	
Paint Township	

Service Area Listing—Continued

Service area name	Degree of shortage group
Madison Township	
Fairfield Township	
Rocking Horse	02
County—Clark:	
Parts of county:	
C.T. 1	
C.T. 2	
C.T. 3	
C.T. 4	
C.T. 5	
C.T. 8	
C.T. 9.01	
C.T. 9.02	
C.T. 10	
C.T. 12	
C.T. 17	
Chillocothe	02
County—Ross	02
County—Pike	02
County—Highland:	
Parts of county:	
Madison Township	
County—Pickaway:	
Parts of county:	
Perry Township	
Deer Creek Township	
Wayne Township	
Pickaway Township	
Slat Creek Township	
County—Hocking:	
Parts of county:	
Good Hope Township	
Laurel Township	
Benton Township	
Perry Township	
Salt Creek Township	
County—Vinton:	
Parts of county:	
Eagle Township	
Jackson Township	
Swan Township	
Harrison Township	
Elk Township	
Clinton Township	
Migrant population—Sandusky county	01
County—Sandusky:	
Parts of county:	
Migrant population	

OKLAHOMA

County Listing

County name	Degree of shortage group
Adair	02
Alfalfa	04
Blaine:	
Service area, western Oklahoma	03
Caddo	03
Canadian	04
Choctaw	02
Comanche	03
Custer	03
Dewey	03
Ellis	03
Grant	04
Harmon	02
Jackson	01
Jefferson	03
Johnston	02
Le Flore:	
Service area, Clayton	02
Logan	01
McClain	02
McCurtain	03
Mayes:	
Service area, Chlesea/New Alluwe	01
Nowata	
Okfuskee	04
Oklahoma:	
Service area, Del City	03
Pushmataha:	
Service area, Clayton	02
Roger Mills	03

OKLAHOMA—Continued

County name	Degree of shortage group
Rogers:	
Service area, Chlesea/New Alluwe	01
Seminole	03
Sequoyah	03
Tillman	01
Tulsa:	
Service area, north central Tulsa	01
Service area, west Tulsa	03
Washita	03
Woodward:	
Service area, western Oklahoma	03

Service Area Listing

Service area name	Degree of shortage group
Western Oklahoma	03
County—Ellis	03
County—Roger Mills	03
County—Dewey	03
County—Woodward:	
Parts of county:	
E.D. 14, 15, 18	
County—Custer:	
Parts of county:	
E.D. 6, 7	
County—Blaine:	
Parts of county:	
E.D. 4, 5, 7	
County—Lipscomb:	
Parts of county:	
Higgins CCD	
Clayton	02
County—Pushmataha:	
Parts of county:	
North Push-Mataha division	
County—Le Flore:	
Parts of county:	
E.D. 37-38 (Heavener)	
E.D. 46	
E.D. 47	
E.D. 48-49 (Talihina)	
E.D. 50	
E.D. 51	
E.D. 52	
Chlesea/New Alluwe	01
County—Rogers:	
Parts of county:	
Chelsea E.D. 1, 2, 3, 4	
County—Mayes:	
Parts of county:	
Adair (part) E.D. 12	
County—Nowata:	
Parts of county:	
New Alluwe (part) E.D. 14 and 15	
Del City	03
County—Oklahoma:	
Parts of county:	
C.T. 1078.01	
C.T. 1078.02	
C.T. 1078.03	
C.T. 1078.04	
C.T. 1078.05	
C.T. 1078.06	
North Central Tulsa	01
County—Tulsa:	
Parts of county:	
C.T. 2	
C.T. 3	
C.T. 4	
C.T. 5	
C.T. 6	
C.T. 7	
C.T. 8	
C.T. 9	
C.T. 10	
C.T. 11	
C.T. 12	
C.T. 13	
C.T. 14	
C.T. 15	
C.T. 57	
C.T. 62	
C.T. 79	
C.T. 80	

Service Area Listing—Continued

Service area name	Degree of shortage group
C.T. 91.01	
C.T. 91.02	
C.T. 91.03	
West Tulsa	03
County—Tulsa:	
Parts of county:	
C.T. 46	
C.T. 47	
C.T.63.01	
C.T. 63.02	
C.T. 64.01	
C.T. 64.02	
C.T. 65.01	
C.T. 65.02	
C.T. 66	

OREGON

County Listing

County name	Degree of shortage group
Baker:	
Service area, Halfway	01
Benton:	
Service area, West Benton	01
Clackamas:	
Service area, Woodburn-Marion Migrant Area	01
Clatsop:	
Service area, Seaside Area	03
Columbia:	
Service area, Vernonia	01
Coos:	
Service area, Powers	01
Service area, Reedsport	03
Curry:	
Service area, Powers	01
Deschutes:	
Service area, La Pine	02
Douglas:	
Service area, Reedsport	03
Gilliam	02
Jackson:	
Service area, Jackson—Northeast Section	02
Service area, Rogue River-Gold Hill	02
Josephine:	
Service area, Cave Junction	01
Klamath:	
Service area, Bly	01
Service area, Chilloquin	01
Service area, La Pine	02
Lake:	
Lane:	
Service area, Reedsport	03
Service area, McKenzie	01
Lincoln:	
Service area, West Benton	01
Linn:	
Service area, Sweet Home	01
Service area, Brownville	01
Malheur:	
Service area, Nyssa	03
Marion:	
Service area, Woodburn	03
Service area, West Salen	01
Service area, Woodburn-Marion Migrant Area	01
Morrow	02
Multnomah:	
Service area, Northeast Portland	01
Polk:	
Service area, Willamina	01
Union:	
Service area, Union	01
Wallowa:	
Washington:	
Service area, Washington County Migrants	04
Wheeler	02
Yamhill:	
Service area, Willamina	01
Service area, Woodburn-Marion Migrant Area	01

Service Area Listing

Service area name	Degree of shortage group
Jackson—Northeast Section	02
County—Jackson:	
Parts of county:	
Prospect CCD	
Shady Cove CCD	
Butte Falls CCD	
Powers	01
County—Coos:	
Parts of county:	
Powers CCD	
County—Curry:	
Parts of county:	
Agness	
Cave Junction	01
County—Josephine:	
Parts of county:	
Cave Junction CCD	
Highland CCD	04
County—Clackamas:	
Parts of county:	
Highland CCD	
Mount Hood CCD	
Estacada CCD	
West Benton	01
County—Benton:	
Parts of county:	
Blodgett CCD	
Alsea CCD	
Philomath CCD	
County—Lincoln:	
Parts of county:	
Eddyville CCD	
Bly	01
County—Klamath:	
Parts of county:	
Langell CCD	
Tri-County	02
County—Morrow	02
County—Wheeler	02
County—Gilliam	02
NYSSA	03
County—Malheur:	
Parts of county:	
Adrian Division	
Nyssa Division	
Owyhee Division	
County—Canyon:	
Parts of county:	
Parma Division	
Wilder Division	
Notus Divison	
Rogue River-Gold Hill	02
County—Jackson:	
Parts of county:	
Evans Valley CCD	
Foots Creek CCD	
Willamina	01
County—Yamhill:	
Parts of county:	
Willamina CCD	
County—Polk:	
Parts of county:	
Willamina CCD	
Halfway	01
County—Baker:	
Parts of county:	
Halfway CCD	
Eagle Valley CCD	
Sweet Home	01
County—Linn:	
Parts of county:	
Sweet Home CCD	
South Sweet Home CCD	
West Sweet Home CCD	
North Sweet Home CCD	
Chiloquin	01
County—Klamath:	
Parts of county:	
Chiloquin CCD	
Woodburn	03
County—Marion:	
Parts of county:	
Hubbard CCD	
Woodburn CCD	
Gervais CCD	
St. Paul CCD	
Union	01
County—Union:	
Parts of county:	

Service Area Listing—Continued

Service area name	Degree of shortage group
Elgin CCD	
County—Wallowa:	
Parts of county:	
Town of Minam in Wallowa CCD	
Vernonia	01
County—Columbia:	
Parts of county:	
Vernonia CCD	
La Pine	02
County—Lake:	
Parts of county:	
Silver Lake-Fort Rock CCD	
County—Klamath:	
Parts of county:	
Crescent Lake CCD	
County—Deschutes:	
Parts of county:	
Sisters-Mulligan CCD South of Sunriver	
Reedsport	03
County—Douglas:	
Parts of county:	
Reedsport CCD	
County Coos:	
Parts of county:	
North part of North Bayside CCD	
County—Lane:	
Parts of county:	
South part of South Siuslaw CCD	
Brownville	01
County—Linn:	
Parts of county:	
Brownville CCD	
Seaside Area	03
County—Clatsop:	
Parts of county:	
Clatsop Plains CCD	
Lewis and Clark CCD	
Seaside Rural CCD	
Seaside CCD	
Washington County Migrants	04
County—Washington:	
Parts of county:	
Migrant population	
West Salem	01
County—Marion:	
Parts of county:	
C.T. 51	
C.T. 52	
Woodburn-Marion Migrant Area	01
County—Marion:	
Parts of county:	
Migrant population	
County—Yamhill:	
Parts of county:	
Migrant population	
County—Clackamas:	
Parts of county:	
Migrant population	
McKenzie	01
County—Lane:	
Parts of county:	
C. T. 1 (McKenzie)	
Northeast Portland	01
County—Multnomah:	
Parts of county:	
C. T. 33.01	
C. T. 33.02	
C. T. 34.01	
C. T. 34.02	
C. T. 35.01	
C. T. 35.02	
C. T. 36.01	
C. T. 37.01	
C. T. 37.02	
C. T. 38.01	
C. T. 38.02	
C. T. 38.03	
C. T. 39.01	
C. T. 39.02	
C. T. 40.01	
C. T. 40.02	
Migrant Population	01
County—Polk:	
Parts of county:	
Migrant population	

PENNSYLVANIA

County Listing

County name	Degree of Shortage group
Allegheny:	
Service area, Homewood-Brushton	04
Armstrong:	
Service area, Punxsutawney	02
Cambria:	
Service area, south central Clearfield County	03
Service area, Snow Shoe	02
Service area, Penns Valley	04
Service area, Bellafonte/Howard	03
Clearfield:	
Service area, Snow Shoe	02
Service area, south central Clearfield County	03
Clinton:	
Service area, Renovo	02
Service area, Bellafonte/Howard	03
Columbia:	
Service area, Benton-Millville	04
Crawford:	
Service area, east Crawford County	01
Erie:	
Service area, northeast	01
Indiana:	
Service area, Punxsutawney	02
Jefferson:	
Juniata:	
Service area, Juniata County service area	03
Service area, Mount Pleasant Mills-Middleburg	04
Lackawanna:	
Service area, Moscow	02
Lebanon:	
Service area, northern Lebanon County	01
Luzerne:	
Service area, Benton-Millville	04
Service area, Exeter	01
Service area, Pittston	03
Service area, Mountaintop	02
Lycoming:	
Service area, northern Lycoming	01
Service area, Benton-Millville	04
Northumberland:	
Service area, Herndon-Mandata service area	02
Philadelphia:	
Service area, Convenant House area	01
Service area, south Philadelphia	04
Pike	04
Schuylkill:	
Service area, Herndon-Mandata service area	02
Service area, Tremont/Pine Grove	03
Snyder:	
Service area, Mount Pleasant Mills-Middleburg	04
Sullivan:	
Service area, Benton-Millville	04
Tioga:	
Service area, northern Lycoming	01
Wayne	03
Wyoming:	
Service area, Exeter	01

Service Area Listing

Service area name	Degree of shortage group
Moscow	02
County—Lackawanna:	
Parts of county:	
Covington Township	
Springbrook Township	
Roaring Brook Township	
Madison Township	
Jefferson Township	
Clifton Township	
Lehigh Township	
Elmhurst Township	
Moscow Borough	
Snow Shoe	02
County—Centre:	

Service Area Listing—Continued

Service area name	Degree of shortage group
Parts of county:	
Snow Shoe Township	
Snow Shoe Borough	
Burnside Township	
Boggs Township	
Union Township	
Curtin Township	
Unionville Borough	
County—Clearfield:	
Parts of county:	
Cooper Township (northern ⅝)	
Covington Township	
Karthaus Township	
Renovo	02
County—Clinton:	
Parts of county:	
East Keating Township	
Renovo Borough	
South Renovo Borough	
Leidy Township	
Chapman Township	
Noyes Township	
Northern Lycoming	01
County—Lycoming:	
Parts of county:	
Cogan House Township	
Cummings Township	
McHenry Township	
Brown Township	
Pine Township	
Jackson Township	
Lewis Township (northern ⅗)	
McIntyre Township	
McNett Township	
Cascade Township	
Gamble Township	
Pine Township	
Cummings Township (northern ⅗)	
Plunkett's Creek Township (northwest ½)	
County—Tioga:	
Parts of county:	
Elk Township	
Morris Township	
Liberty Township (western ½)	
Juniata County service area	03
County—Juniata:	
Parts of county:	
Lack Township	
Tuscarora Township	
Beale Township	
Spruce Hill Township	
Mifflin Borough	
Mifflintown Borough	
Port Royal Borough	
Fayette Township	
Fermanagh Township	
Milford Township	
Turbett Township	
Walker Township	
Penns Valley	04
County—Centre:	
Parts of county:	
Potter Township	
Penn Township	
Greg Township	
Center Hall Borough	
Millheim Borough	
Miles Township	
Haines Township	
Mount Pleasant Mills-Middleburg	04
County—Snyder:	
Parts of county:	
Beaver Township	
Beavertown Borough	
Chapman Township	
Franklin Township	
Centre Township	
Middleburg Township	
Perry Township	
Washington Township	
West Perry Township	
Union Township	
Freeburg Borough	
County—Juniata:	
Parts of county:	
Monroe Township	
Punxsutawney	02
County—Jefferson:	
Parts of county:	
Bell Township	
Beaver Township (southern ½)	
Big Run Borough	
Gaskill Township	
Henderson Township	
Oliver Township	
Perry Township	
Porter Township	
Punxsutawney Borough	
Riggold Township	
Timblin Borough	
Worthville Borough	
Young Township	
County—Armstrong:	
Parts of county:	
Redbank Township (eastern ½)	
County—Indiana:	
Parts of county:	
Banks Township (northern ⅗)	
Canoe Township (northern ⅗)	
Northern Mahoning (northern ½)	
Smicksburg Borough	
West Mahoning Township (northern ½)	
Herndon-Mandata service area	02
County—Northumberland:	
Parts of county:	
Jackson Township	
Herndon Borough	
Jordon Township	
Lower Mahanoy Township	
Little Mahanoy Township	
Washington Township	
Upper Mahanoy Township	
West Cameron Township	
County—Schuylkill:	
Parts of County:	
Eldred Township	
Upper Mahantango Township	
South Central Clearfield County	03
County—Clearfield:	
Parts of county:	
Coalport Borough	
Glen Hope Borough	
Irvona Borough	
Ramey Borough	
Westover Borough	
Beccaria Township	
Bigler Township	
Chest Township	
Gulich Township	
Jordan Township	
County—Cambria:	
Parts of county:	
Reade Township (western ⅗)	
White Township	
Benton-Millville	04
County—Columbia:	
Parts of county:	
Benton Borough	
Benton Township	
Fishing Creek Township	
Greenwood Township	
Jackson Township	
Madison Township (northern ⅗)	
Millville Borough	
Mt. Pleasant Township	
Orange Township (northern ½)	
Pine Township	
Stillwater Borough	
Sugarloaf Township	
County—Luzerne:	
Parts of county:	
Fairmont Township	
Huntington Township	
New Columbus Borough	
County—Lycoming:	
Parts of county:	
Franklin Township (southern ½)	
Jordan Township	
County—Sullivan:	
Parts of county:	
Davidson Township	
Bellafonte/Howard	03
County—Centre:	
Parts of county:	
Bellefonte Borough	
Howard Borough	
Milesburg Borough	
Boggs Township	
Curtin Township	
Howard Township	
Liberty Township	
Marion Township	
Spring Township	
Walker Township	
County—Clinton:	
Parts of county:	
Beech Creek Borough	
Beech Creek Township	
Exeter	01
County—Luzerne:	
Parts of county:	
Exeter Borough	
West Wyoming	
Franklin Township	
Exeter Township	
County—Wyoming:	
Parts of county:	
Exeter Township	
Falls Township	
North East	01
County—Erie:	
Parts of county:	
C.T. 116 (North East Borough)	
C.T. 117 (North East and Greenfield Township)	
East Crawford County	01
County—Crawford:	
Parts of county:	
Athens Township	
Bloomfield Township	
Rockdale Township	
Rome Township	
Sparta Township	
Steuben Township	
Centerville Borough	
Townville Borough	
Spartansburg Borough	
Covenant House area	01
County—Philadelphia:	
Parts of county:	
C.T. 248	
C.T. 249	
C.T. 250	
C.T. 251	
C.T. 252	
C.T. 253	
C.T. 254	
Pittston	03
County—Luzerne:	
Parts of county:	
Pittston Township	
Dupont Borough	
Hughestown Borough	
Pittston City	
Jenkins Township	
Duryea Borough	
Avoca Borough	
Laflin Borough	
Yatesville Borough	
Tremont/Pine Grove	03
County—Schuylkill:	
Parts of county:	
Tremont Borough	
Tremont Township	
Frailey Township	
Porter Township	
Pine Grove Township	
Washington Township	
Pine Grove Township	
Hegins Township	
Barry Township	
Ghbley Township	
Tower City Borough	
Mountaintop	02
County—Luzerne:	
Parts of county:	
Dennison Township	
Wright Township	
Fairview Township	
Rice Township	
Dorrance Township	
Slocum Township	
Naungola Township	
South Philadelphia	04
County—Philadelphia:	

Service Area Listing—Continued

Service area name	Degree of shortage group
Parts of county:	
C.T. 13	
C.T. 14	
C.T. 19	
C.T. 20	
C.T. 21	
C.T. 22	
C.T. 33	
Northern Lebanon County	01
County—Lebanon:	
Parts of county:	
Cold Spring Township	
East Hanover Township	
Union Township	
Swatara Township	
Bethel Township	
Jonestown Borough	
Homewood-Brushton	04
County—Allegheny:	
Parts of county:	
C.T. 1207	
C.T. 1301	
C.T. 1302	
C.T. 1303	
C.T. 1304	
C.T. 1305	

RHODE ISLAND

County Listing

County name	Degree of shortage group
Washington:	
Service area, Hope Valley	02

Service Area Listing

Service area name	Degree of shortage group
Hope Valley	02
County—Washington:	
Parts of county:	
Charlestown	
Exeter	
Hopkinton	
Richmond	

SOUTH CAROLINA

County Listing

County name	Degree of shortage group
Chesterfield	04
Florence:	
Service area, Brittons Neck	01
Horry	
Marion	
Richland:	
Service area, Richland service area	01
York	02
York:	
Service area, Western York Co.	02
Brittons Neck	01
County—Florence:	
Parts of county:	
Johnsonville	
County—Horry:	
Parts of county:	
Aynor South	
Aynor North CCD	
County—Marion:	
Parts of county:	
Brittons Neck CCD	
Centenary CCD	
Richland service area	01

SOUTH CAROLINA—Continued

County name	Degree of shortage group
County—Richland:	
Parts of county:	
C.T. 118	
C.T. 119.02	
C.T. 120	
Western York Co.	02
County—York:	
Parts of county:	
C.T. 14	
C.T. 15	
C.T. 16	
C.T. 19	
E.D. 8 (OF C.T. 17)	

TENNESSEE

County Listing

County name	Degree of shortage group
Hardin	02
McNairy	02
Polk	01

TEXAS

County Listing

County name	Degree of shortage group
Atascosa	04
Bee	04
Crosby	04
Floyd	02
Hunt	03
Liberty	04
Lynn	01
Montgomery	03
Rains	01
Walker	02

UTAH

County Listing

County name	Degree of shortage group
Daggett	01
Piute	01
Rich	01
Tooele	03
Wayne	01

VERMONT

County Listing

County name	Degree of shortage group
Essex:	
Service area, Upper Connecticut Valley	03

Service Area Listing

Service area name	Degree of shortage group
Upper Connecticut Valley	03
County—COOS (NH):	
Parts of county: I92 Colebrook Town	
Columbia Town	

Service Area Listing—Continued

Service area name	Degree of shortage group
Stratford Town	
Stewartown Town	
Pittsburg Town	
Dixville Town	
Errol Town	
Clarksville	
Millsville Town	
Wentsworth location	
Atkinson-Gilman Academy Grant	
DIXS Grant	
Second College Grant	
Odell Town	
County—Essex:	
Parts of county:	
Canaan Town	
Lexington Town	
Bloomfield Town	
Brunswich Town	
Averill Town	
Norton Town	

VIRGINIA

County Listing

County name	Degree of shortage group
Accomack	04
Elizabeth City:	
Service area, East end service area	02
Northampton	04

Service Area Listing

Service area name	Degree of shortage group
East end service area	02
County—Elizabeth City:	
Parts of county:	
C.T. 302	
C.T. 303	
C.T. 304	
C.T. 305	
C.T. 306	
C.T. 307	
C.T. 308	

WASHINGTON

County Listing

County name	Degree of shortage group
Adams:	
Service area, Migrants in Grant and Adams Counties	02
Chelan:	
Service area, Chelan-Douglas Migrant area	01
Douglas:	
Grant:	
Service area, Migrants in Grant and Adams Counties	02
Grays Harbor:	
Service area, McCleary-Elma	02
King:	
Service area, Seattle-Central	03
Service area, Packwood	02
Service area, Vashon-Maury Islands	02
Service area, Pike Market	04
Service area, Seattle & King Co. Jails	02
Kittitas:	
Service area, Cle Elum	03
Klickitat	04
Lewis:	
Okanogan:	
Service area, Oroville	01
Service area, Okanogan Valley Migrant Area	01
Pacific:	

WASHINGTON—Continued

County name	Degree of shortage group
Service area, Raymond/South Bend	03
Pierce:	
Service area, Long Branch	01
Skagit:	
Service area, Whatcom-Skagit Migrant Area	04
Skamania	02
Snohobish:	
Service area, Tulalip Tribe-Snohobish County	01
Stevens:	
Service area, Chewelah	04
Whatcom:	
Service area, Whatcom-Skagit Migrant Area	04
Yakima:	
Service area, Lower Yakima Valley Migrant Area	02

Service Area Listing

Service area name	Degree of shortage group
McCleary-Elma	02
County—Grays Harbor:	
Parts of county:	
CCD No. 7	
CCD No. 8	
CCD No. 9	
CCD No. 10	
Cle Elum	03
County—Kittitas:	
Parts of county:	
CCD No. 2	
CCD No. 3	
CCD No. 4	
CCD No. 5	
CCD No. 6	
Chewelah	04
County—Stevens:	
Parts of county:	
CCD No. 4	
CCD No. 6	
Raymond/South Bend	03
County—Pacific:	
Parts of county:	
CCD No. 1	
CCD No. 2	
CCD No. 3	
CCD No. 4	
Raymond CCD	
Oroville	01
County—Okanogan:	
Parts of county:	
CCD No. 1	
CCD No. 2	
CCD No. 3	
CCD No. 11	
Seattle—Central	03
County—King:	
Parts of county:	
Census tract 73-79	
Census tract 86, 87, 90	
Census tract 91, 92	
Packwood	03
County—King:	
Parts of county:	
Census tract 100	
Census tract 101	
Census tract 103	
Census tract 107	
Census tract 104-112	
Vashon-Maury Islands	02
County—King:	
Parts of county:	
Vashon-Maury Islands	
Long Branch	01
County—Pierce:	
Parts of county:	
E.D. 38 of C.T. 72	
E.D. 39A of C.T. 72	
Whatcom-Skagit Migrant Area	04
County—Skagit:	
Parts of county:	
Migrant Population	

Service Area Listing—Continued

Service area name	Degree of shortage group
County—Whatcom:	
Parts of county:	
Migrant Population	
Okanogan Valley Migrant Area	01
County—Oknagon:	
Parts of county:	
Migrant Population	
Chelan-Douglas Migrant Area	01
County—Chelan:	
Parts of county:	
Migrant Population	
County—Douglas:	
Parts of county:	
Migrant Population	
Lower Yakima Valley Migrant Area	02
County—Yakima:	
Parts of county:	
Migrant Population	
Tulalip Tribe-Snohobish County	01
County—Snohobish:	
Parts of county:	
Tulalip Tribe	
Pike Market	04
County—King:	
Parts of county:	
C.T. 0710	
C.T. 0720	
C.T. 0800	
C.T. 0810	
C.T. 0820	
C.T. 0830	
Migrants in Grant and Adams Counties	04
County—Adams:	
Parts of county:	
Migrant Population in Adams County	
County—Grant:	
Parts of county:	
Migrant Population in Grant County	
Seattle & King Co. Jails	02
County—King:	
Parts of county:	
Seattle & King Co. Jails	
C.C.D. No. 1	03
County—Lewis:	
Parts of county:	
C.C.D. No. 1	

WEST VIRGINIA

County Listing

County name	Degree of shortage groups
Boone	03
Calhoun	03
Clay	01
Doddridge	01
Gilmer	01
Greenbrier:	
Service area, northern Greenbrier service area	02
Hardy	02
Harrison:	
Service area, Shinnston service area	02
Jackson	03
Jefferson	01
Lewis	01
Lincoln	03
McDowell	04
Marion:	
Service area, Farmington service area	02
Pleasants:	
Service area, Jefferson	03
Pocahontas	01
Pocahontas:	
Service area, northern Greenbrier service area	02
Raleigh:	
Service area, northwest service area of Raleigh County	01
Service area, mountaineer service area of Raleigh County	01
Service area, Gulf service area of Raleigh County	01

WEST VIRGINIA—Continued

County name	Degree of shortage groups
Wayne	01
Webster	03
Wirt	02

Service Area Listing

Service area name	Degree of shortage group
Northern Greenbrier service area	02
County—Greenbrier:	
Parts of county:	
Meadow Bluff	
Williamsburg	
Falling Springs	
Frankford	
Anthony Creek	
County—Pocahontas:	
Parts of County:	
Little Levels	
Jefferson	02
County—Pleasants:	
Parts of County:	
Grant	
Jefferson	
Lafayette	
McKim	
Union	
Shinnston service area	02
County—Harrison:	
Parts of County:	
Clay District	
Eagle District	
Farmington service area	02
County—Marion:	
Parts of County:	
Lincoln District	
Northwest service area of Raleigh County	01
County—Raleigh:	
Parts of County:	
Clear Fork MCD	
Marsh Fork MCD	
Mountaineer service area of Raleigh County	01
County—Raleigh:	
Parts of County:	
Shady Spring MCD	
Richmond MCD	
Gulf service area of Raleigh County	01
County—Raleigh:	
Parts of county:	
Trap Hill MCD	
Slab Fork MCD	

WISCONSIN

County Listing

County name	Degree of shortage group
Adams	03
Buffalo:	
Service area, Western Buffalo County	01
Service area, Whitehall/Arcadia	01
Calumet	04
Clark	02
Crawford:	
Service area, Kickapoo Valley area	01
Florence:	
Service area, Florence	01
Forest:	
Service area, Forest	04
Jackson:	
Service area, Sparta	03
Lincoln:	
Service area, Tomahawk	03
Marathon:	
Service area, Athens MSA	01
Service area, Tigerton	02
Service area, Edgar	00
Service area, Birnamwood	01
Monroe:	

WISCONSIN—Continued

County name	Degree of shortage group
Service area, Sparta	03
Oneida:	
Service area, Tomahawk	03
Portage:	
Service area, Tigerton	02
Price:	
Service area, Tomahawk	03
Racine:	
Service area, Racine (city)	04
Richland:	
Service area, Kickapoo Valley area	01
Rusk	04
Shawano:	
Service area, Tigerton	02
Service area, Birnamwood	01
Taylor:	
Service area, Athens MSA	01
Trempealeau:	
Service area, Whitehall/Arcadia	01
Vernon:	
Service area, Western Vernon County	04
Service area, Kickapoo Valley area	01
Waupaca:	
Service area, Tigerton	02

Service Area Listing

Service area name	Degree of shortage group
Western Vernon County	04
County—Vernon:	
Parts of county:	
Bergen	
Benow Town	
Hamburg	
Harmony	
Sterling	
Wheatland	
Chaseburg	
Desoto	
Stoddard	
Genoa Village	
Kickapoo Valley Area	01
County—Vernon:	
Parts of county:	
Clinton	
Webster	
Liberty	
Viola	
County—Crawford:	
Parts of county:	
Haney	
County—Vernon:	
Parts of county:	
Kickapoo	
Readstown	
Whitestown	
Ontario	
Stark	
Lafarge	
Forest	
County—Richland:	
Parts of county:	
Viola	
County—Crawford:	
Parts of county:	
Bell Center	
Gays Mills	
Scott	
Clayton	
Soldiers Grave Village	
County—Richland:	
Parts of county:	
Sylvan	
County—Crawford:	
Parts of county:	
St. Sterling Village	
County—Richland:	
Parts of county:	
Forest	
Bloom	
County—Crawford:	
Parts of county:	
Utica	
Western Buffalo County	01

Service Area Listing—Continued

Service area name	Degree of shortage group
County—Buffalo:	
Parts of county:	
Nelson	
Cochrane	
Lincoln	
Alma City	
Alma Town	
Belvedere	
Waumandee	
Cross	
Milton	
Buffalo Town	
Fountain City	
Buffanloe City	
Union	01
County—Vernon:	
Parts of county:	
Union	
Athens MSA	01
County—Marathon:	
Parts of county:	
Athens City	
Bein Town	
Halsey Town	
Hamburg Town	
Johnson	
Reitbrock Town (part)	
County—Taylor:	
Parts of county:	
Browning Town	
Deer Creek Town	
Goodrich Town	
Tigerton	02
County—Shawano:	
Parts of county:	
Wittenberg Village	
Tigerton Village	
Bowler Village	
Bartelme	
Wittenberg Town	
Morris Town	
Seneca Town	
Germania Town	
Fairbanks Town	
Grant Town	
County—Marathon:	
Parts of county:	
Elderon Village	
Elderon Town	
Franzen Town	
County—Waupaca:	
Parts of county:	
Big Falls Village	
Wyoming Town	
Harrison Town	
County—Portage:	
Parts of county:	
Rosholt Village	
Alban Town	
County—Waupaca:	
Parts of county:	
Dupont Town	
Marion Village	
Florence	01
County—Florence:	
Parts of county:	
East Florence Town	
Fern Town	
Commonwealth Town	
Fence Town	
Homestead Town	
Aurora Town	
Forest	04
County—Forest:	
Parts of county:	
Hiles Town	
Crandon Town	
Nashville Town	
Argonne Town	
Crandon City	
Lincoln Town	
Freedom Town	
Laona Town	
Blackwell Town	
Armstrong Creek Town	
Cashwell Town	
Ross Town	
Sparta	03
County—Jackson:	

Service Area Listing—Continued

Service area name	Degree of shortage group
Parts of county:	
Melrose Town	
Melrose Village	
County—Monroe:	
Parts of county:	
Angelo Town	
County—Monroe:	
Parts of county:	
Lafayette Town	
County—Monroe:	
Parts of county:	
Leon Town	
Little Falls Town	
New Lyme Town	
Norwalk Village	
Ridgeville Town	
Sheldon Town	
Sparta Town	
Sparta City	
Wells Town	
Whitehall/Arcadia	01
County—Trempealeau:	
Parts of county:	
Arcadia (city)	
Arcadia (town)	
Blair (city)	
Burnside (town)	
Chimney Rock	
Dodge	
Hale	
Independence (city)	
Lincoln	
Pigeon	
Pigeon Falls (village)	
Preston	
Whitehall	
County—Buffalo:	
Parts of county:	
Cross	
Glencoe	
Milton	
Tomahawk	03
County—Lincoln:	
Parts of county:	
Bradley Town	
King Town	
Harrison Town	
Skanawan Town	
Somo Town	
Tomahawk Town	
Tomahawk City	
Wilson Town	
County—Oneida:	
Parts of county:	
Lynne Town	
Little Rice Town	
Nokonus Town	
County—Price:	
Parts of county:	
Knox Town	
Prentice Town	
Spirit Town	
Prentice City	
Edgar	03
County—Marathon:	
Parts of county:	
Edgar City	
Reitbrock Town	
Wein Town	
Rib Falls Town	
Cassel Town	
Fenwood City	
Birnamwood	01
County—Marathon:	
Parts of county:	
Norrie Town	
Ploner Town	
Hatley Village	
County—Shawano:	
Parts of county:	
Birnamwood Village	
Birnamwood Town	
Eland Village	
Almon Town	
Anima Town	
Anima Village	
Hutchins Village	
Racine (city)	04
County—Racine:	

Service Area Listing—Continued

Service area name	Degree of shortage group
Parts of county:	
C.T. 1	
C.T. 2	
C.T. 3	
C.T. 4	
C.T. 5	
C.T. 6	
C.T. 7	
C.T. 8	
C.T. 10	
C.T. 11	
C.T. 12	
C.T. 13	
Corning Town	01
County—Lincoln:	
Parts of county:	
Corning Town	

WYOMING

County Listing

County name	Degree of shortage group
Albany:	
Service area; Hann-Rock River	01
Carhon	
Freemont:	
Service area; Sweetwater	01

Service Area Listing

Service area name	Degree of shortage group
Sweetwater	01
County—Freemont	
Parts of county:	
Sweetwater CCD	
Hann-Rock River	01
County—Carhon	
Parts of county:	
Hanna CCD	
County—Albany	
Parts of county:	
Rock River CCD	

PUERTO RICO

County Listing

County name	Degree of shortage group
Adjuntas.	
Service area, Guarguao	01
Anasco:	
Service area, medically indigent in Mayaguez area	02
Barceloneta:	
Service area, Florida	01
Ciales:	
Service area, medically indigent in Ciales	04
Hormiguero:	
Service area medically indigent in Mayaguez area	02
Juncos	02
Mayaguez	
Penuelas:	
Service area, Guarguao	01
Guarguao	
Quebradillas:	
Service area, medically indigent in Quebradillas	01

Service Area Listing

Service area name	Degree of shortage group
Medically indigent in Ciales	04
County—Ciales	
Parts of county	
Medically indigent in Ciales	
Medically indigent in Quebradillas	01
County—Quebradillas	
Parts of county	
Medically Indigent in Quebradillas	
Florida	01
County—Barceloneta	
Parts of county	
Florida Adentco	
Florida Afuero	
Medically Indigent in Mayaguez area	02
County—Mayaguez	
Parts of county	
Medically indigent in Mayagez area	
County—Anasco	
Parts of county	
Medically indigent in Mayaguez area	
County—Hormiguero	
Parts of county	
Medically Indigent in Mayaguez area	
Guarguao	01
County—Guarguao	
Parts of county	
Guarguao	
County—Penuelas	
Parts of county	
Rucio	
County—Adjuntas	
Parts of county	
Portuguez	

SUPPLEMENTAL LIST OF NHSC-STAFFED PHYSICIAN SITES PREVIOUSLY DESIGNATED UNDER SECTION 329(b)

ALABAMA

Macon County, John Andrews Clinic, Tuskegee (Macon County).
Lowndes County, Lowndes County Health Services, Hayneville (Lowndes County).
Cherokee/Red Bay Service Area, West Colbert Health Clinic, Cherokee (Colbert County).
Guntersville service area, Guntersville Health Services, Guntersville (Marshall County).
Bullock County, Bullock County Ambulance Services, Union Springs (Bullock County).
Hobson City service area, Hobson City Medical Clinic, Hobson (Calhoun County).
St. Clair County, Ragland Medical Clinic, Ragland (St. Clair County).

ALASKA

Designation unidentified: Craig Health Corp., Craig (Dallas County).

ARKANSAS

Prairie County, Prairie County Medical Center, Des Arc (Prairie County).
Lee County, Lee County Memorial Hospital, Marianna (Lee County).
Newton County, Newton County Medical Center, Jasper (Newton County).
Ashley service area, Wilmont Medical Clinic, Wilmot (Ashley County).
Northeast quadrant of Jefferson County, Altheimer Clinic, Altheimer (Jefferson County).
Crawford County, Crawford Memorial Hospital, Van Buren (Crawford County).
Designation unidentified: Arkansas Department of Health, Little Rock (Pulaski County).

CALIFORNIA

Downeville service area, Western Sierra Medical Center, Downeville (Sierra County).
Siskiyou service area, Scott Valley Medical Center, Etna (Siskiyou).
Russian River-Pacific Coast service area, Russian River Health Center, Guerneville (Sonona County).
Yuba Foothills-Feather Falls service area, Yuba Feather Community Services, Brownsville (Yuba County).
Arvin-Lamont-Greenfield service area, Clinica Sierra Vista, Lamont (Kern County).
Morongo Basin service area: (1) Needles Medical Center, Needles (San Bernardino County); (2) Family Health Center, Lucerne Valley (San Bernardino County); (3) Valley Pediatric Center, Apply Valley (San Bernardino County).
Dixon service area, Regional Rural Health Program, Dixon (Solano County).
Delta service area, Delta Health Center, Walnut Grove (Sacramento County).
Westside service area: (1) San Joaquin Health Center, San Joaquin (Frexno County); (2) Huron-Five Points Family Health, Huron (Fresno County).
Mojave Desert service area, Family Health Center, Bastow (San Bernardino County).
Eask Oakland service area, La Clinica de la Raga, Oakland (Alameda County).
Happy Camp service area, Happy Camp Health Services, Happy Camp (Siskiyou County).
Designation unidentified: Dr. Mary Fisher Medical Center, Pagosa Springs (Archuleta County).
Designation unidentified: Dove Creek Community Clinic, Dove Creek (Dolores County).
Designation unidentified: Town of Fairplay, Fairplay (Park County).
Designation unidentified: Georgetown Divide Health Care, Georgetown (El Dorado County).
Designation unidentified: Occidental Area Health Clinic, Occidental (Sonoma County).

COLORADO

Yuma County, Yuma Hospital District, Yuma (Yuma County).
Saguache County, Saguache Medical Clinic, Saguache (Saguache County).
Huerfano County, Huerfano Family Medicine, Walsenburg (Huerfano County).
Logan County, Rural Health Care Association, Sterling (Logan County).
Otero County, La Clinica del Valle, Rocky Ford (Otero County).
Lincoln County, Limon Chamber of Commerce Limon (Lincoln County).
Las Animas County, High Plains Medical Center, Trinidad (Las Animas County).
Deuel-Sedgwick service area, Sedgwick County Medical Co., Inc., Julesburg (Sedgwick County).

FLORIDA

Belle Glade-Pahakeemsa service area, Belle Glade Health Center, Belle Glade (Palm Beach County).
Baker County, Fraser Memorial Hospital, McClenny (Baker County).
Bay County, Beaches Family Health Center, Panama City Beach (Bay County).
Madison County, Madison County Memorial Hospital, Madison (Madison County).
Jackson County, Jackson Health Services, Marianne (Jackson County).
Bay County, Comprehensive Health Planning Council, Panama City (Bay County).

Designation unidentified. Immokalee Health Center, Immokalee (Collier County).
Designation unidentified, Florida Rural Health Services, Frostproof (Polk County).

GEORGIA

Dawson County, Dawson County Board of Health, Dawsonville (Dawson County).
Thomasville service area, Brooks County Hospital Authority, Quitman (Brooks County).
Bryan County, Pembroke Hospital Authority, Pembroke (Bryan County).
Banks County, Town of Homer, Homer (Banks County).

IDAHO

Valley-Boise service area, Horseshoe Bend Community Health, Horseshoe Bend (Boise County).
Oakley service area, Medical Services, Inc., Oakley (Cassia County).
Fremont County, Ashton Health Services, Ashton (Fremont County).

ILLINOIS

Mercer County, Aledo Jaycees, Aledo (Mercer County.)

INDIANA

Rush County, Rush County Health Department, Rushville (Rush County).
Union County, Union County Medical Center, Liberty (Union County).
Highland-Brookside service area, Peoples Health Center, Indianapolis (Marion County).
Clinton County, Clinton County Medical Services, Frankfort (Clinton County).
Lawrenceburg service area, Rural Health Activities of SE Indiana, Lawrenceburg (Dearborn County).

IOWA

Bulter County, Parkersburg Medical Services, Parkersburg (Butler County).
Ida County, Ida County Community Health Clinic, Ida Grove (Ida County).
Lyon County, Doctor Search Committee, Rock Rapids (Lyon County).
Tama County, North Tama Medical Center, Traer (Tama County).

KANSAS

Designation unidentified:
Leavenworth Health Clinic, Leavenworth (Leavenworth County).

KENTUCKY

Leslie County, Mary Breckinridge Hospital, Hyden (Leslie County).
Menifee County, Menifee County Health Services Council, Frenchburg (Menifee County).
Knott County, East Kentucky Health Services, Hindman (Knott County).
Ohio County, Medical Services of Ohio County, Hartford (Ohio County).
Carlisle County, Citizens Committee, Arlington (Carlisle County).
Dice-Dwarf service area, Homeplace Clinic, Ary (Perry County).
Letcher County, Kentucky River District Health, Whitesburg (Letcher County).
Henry County, Town of Cambellsburg, Cambellsburg (Henry County).

MAINE

Vinalhaven service area, Island Community Medical Center, Vinalhaven (Knox County).
North Aroostook County service area, Arthur R. Gould Hospital, Presque Isles (Aroostook County).

MASSACHUSETTS

Shelburne-Buchland service area, Mohawk Valley Service Center, Shelburne Falls (Franklin County).
Revere County, Revere Health Center, Revere City (Suffolk County).

NEW HAMPSHIRE

Gorham service area, Gorham Medical Building, Gorham (Coos County).
Designation unidentified: White Mountain Community Services, Littleton (Grafton County).
Designation unidentified: Newport Hospital, Newport (Sullivan County).
Hillsboro Service area, Hillsboro Medical Center, Hillsboro (Hillsborough County).

VERMONT

Essex County, Northern County Health Center, Island Pond (Essex County).
Cavandish service area, Black River Health Center, Cavandish (Windsor County).
Hardwick service area, Northern Counties Health Center, Greensboro (Orleans County).

MICHIGAN

Dowagiac service area, Decatur Satellite Clinic, Decatur (Van Buren County).
Roscommon County (1) Houghton Lake Medical Center, Houghton Lake (Roscommon County.) (2) Town of St. Helen (Roscommon County.).
Eaton County, Hayes Green Beach Memorial Hospital, Charlotte (Eaton County).
Baldwin service area, Regional Health Care, Baldwin (Lake County).
Wakefield service area, Ewen Medical Center, Ewen (Ontonagon County).
Designation unidentified: United Health Services, Detroit (Wayne County.)

MINNESOTA

Bigfork service area, Northern Itasca Hospital District, Bigfork (Itasca County).
Mille Lacs service area, Community Mercy Hospital, Onamia Isle (Mille Lacs County).
Houston County, Caledonia Community Hospital, Caledonia (Houston County).
Red Lake Service Area, Red Lake Falls (Red Lake County).

MISSISSIPPI

Designation unidentified: Kuhn Memorial Hospital, Vicksburg (Warren County).
Holmes County, Tchula Clinic, Tchula (Holmes County).
Rosedale service area, Levee Street Clinic, Rosedale (Bolivar County).
New Hebron service area, Voice of Calvary Health Center, Mendenhall (Simpson County).
Baldwyn service area, Mississippi State of Health, Tupelo (Lee County).

MISSOURI

Designation unidentified: Mercer County Health Systems, Inc., Princeton.

MONTANA

Liberty County, Liberty County Health Planning, Chester.

Designation unidentified: Peoples Health Center, Superior (Mineral County).
Designation unidentified: Mission Valley Clinic, St. Ignatius (Lake County).
Designation unidentified: Box Elder Health Clinic, Box Elder (Hill County).

NEW MEXICO

Designation unidentified: La Clinica de La Gente, Santa Fe (Santa Fe County).
Designation unidentified: Gallup Community Health Center, Gallup (McKinley County).
Rio Arriba County, La Clinica del Pueblo de Rio, Tierra Amarilla.
Designation unidentified: Hatch Area Medical Council, Hatch (Dona Ana County).
Designation unidentified: Eastern N. M. Resource Center, Portales (Roosevelt County).
San Miguel County, Pecos Valley Medical Center, Pecos (San Miguel County).
Designation unidentified: El Pueblo Health Service, Inc., Bernalillo (Bernalillo County).
Carrizozo service area, Carrizozo Health Center, Carrizozo (Lincoln County).
Torrance County, Hope Medical Center, Estancia (Torrance County).

NEW YORK

Cato service area, Northern Cayuga Health Services, Cato (Cayuga County).
West Winfield service area, Greater Winfield Medical Building, West Winfield (Herkimer County).
Designation unidentified: Chenango Memorial Hospital, Norwich (Chenango County).
Designation unidentified: Schoharie Middleburgh Clinic, Cableskill (Schoharie County).
Designation unidentified: Schuyler Hospital, Montour Falls (Schuyler County).
Steuben County service area, Noyes Memorial Hospital, Dansville (Steuben County).
Steuben County service area, Wayne County Comprehensive health, Sodus (Wayne County).
Sodus service area, Wayne County Comprehensive Health, Sodus (Wayne County).
Aurora service area, Community Development Federation, Aurora (Cayuga County).
Tupper Lake service area, City of Tupper Lake, Tupper Lake (Franklin County).
East Harlem service area, Union Settlement, New York (New York County).
Designation unidentified: Orange County Migrant Health Project, Pine Island (Orange County).
Designation unidentified: PHS Hospital, Staten Island (Richmond County).
Designation unidentified: Metropolitan Correction Center, New York (New York County).

NORTH CAROLINA

Bladen County, Bladenboro Medical Center, Bladenboro (Bladen County).
Designation unidentified: Maxton Medical Services, Maxton (Robeson County).
Alleghany County, Alleghany Family Practice Center, Sparta (Alleghany County).
Alleghany County, Roanoke Medical Associates, Plymouth (Washington County).
Clay County, Haysville Family Health Center, Haysville (Clay County).
Hot Springs service area, Hot Springs Health Program, Hot Springs (Madison County).
Designation unidentified: Tri-County Health Services, Aurora (Beaufort County).

Warren County, Health Co, Inc., Soul City (Warren County).
Designation unidentified: Town Building of Cleveland, Cleveland (Rowan County).
Northampton County, Northampton Medical Center, Jackson (Northampton County).
Graham County, Robbinsville Medical Center, Snow Hill (Graham County).
Greene County, Greene County Health Care, Snow Hill (Greene County).
Designation unidentified: State of NC Department of Human Resources, Raleigh (Wake County).

NORTH DAKOTA

Emmons County, Linton Medical/Dental Clinic, Linton.

OHIO

Designation unidentified: Medical Facilities Task Force, Carrollton (Carroll County).
Designation unidentified: Monroe Health Planning Council, Woodsfield (Monroe County).

OKLAHOMA

Osage County, Fairfax Dental Office, Fairfax (Osage County).

PENNSYLVANIA

Huntingdon County (1) Southern Huntingdon County Medical Center, Orbisonia (Huntingdon County) (2) Broadtop Area Medical Center, Broadtop City (Huntingdon County) (3) Juaniata Valley Medical Center, Alexandria (Huntingdon County).
Designation unidentified: Allegheny Clairon Valley Medical Center, Foxburg (Clairon County).
East of Interstate 81 service area, New Milford Medical Center, Susquehanna (Susquehanna County).
Kidder service area, Daniel J. Flood Clinic, White Haven (Luzerne County).
Valley Community service area, Valley Community Medical Center, Dry Run (Franklin County).
Welsh Mountain service area, Welsh Mountain Medical Center, New Holland (Lancaster County).
East Lycoming service area, Valley Community Health Care Center, Picture Rock (Lycoming County).
SW Chester service area, Family Health Center for Chester County, West Grove (Chester County).
Forest-Clarion service area, Kahle Medical Center, Leeber (Clairon County).

PUERTO RICO

San Sebastion service area, San Sebastian Western Regional Health Center, San Sebastian.
Rincon service area, Rincon Rural Health Initiative, Rincon.
Las Marias service area, Las Marias Migrant Health Center, Las Marias.
Castaner service area, Hospital Castaner, Castaner.

SOUTH CAROLINA

McCormick County, McCormick County Development, McCormick (McCormick County).
Beaufort service area, Beaufort Jasper CHC, Ridgeland (Beaufort County).
Chester County, Chester County, Chester (Chester County).

SOUTH DAKOTA

Roberts County, Coteau des Praires Hospital, Sisseton (Roberts County).
Bennett County, SW South Dakota Medical Development Corp., Martin (Bennett County).
Faulk County, Faulk County Medical Clinic Faulton (Faulk County).
Turner-Lincoln service area, Lennox Area Medical Center, Lennox (Lincoln County).
Designation unidentified: Family Practice Clinic, Vermillion (Clay County).

TENNESSEE

Decatur County, Decatur County Medical Center, Parsons (Decatur County).
Wilson County, Lebanon Primary Care Center, Lebanon (Wilson County).
Wilson County, Watertown Primary Health Care Center, Watertown (Wilson County).
Hawkins County, Surgoinsville Medical Center, Surgoinsville (Hawkins County).
Roane County, City of Kingston, Kingston (Roane County).
Morgan County, Morgan County Medical Center, Wartburg (Morgan County).
Perry County, Perry County Clinic, Linden (Perry County).
Hickman County, Centerville Medical Center, Centerville (Hickman County).
Designation unidentified: Cumberland Peoples Health Council, Crab Orchard (Cumberland County).
Grainger County (1) Douglas Cherokee Economic Authority, Washburn (Grainger County) (2) Bear Station (Grainger County).
Jacksboro service area, Black Lung Health Center, Jacksboro (Campbell County).
Designation unidentified: Lafollette Health Center, Lafollette (Campbell County).
Cocke County, Grassy Fork Medical Clinic, Hartford (Cocke County).
Scott County, Huntsville Health Center, Huntsville (Scott County).

TEXAS

Designation unidentified: Su Clinica Familia, Harlingen (Willacy County).
Limestone County, South Limestone County Health, Grosbeck (Limestone County).
Zapata County, Zapata Health Center, Zapata (Zapata County).
Waller County, Waller County Medical Clinic, Hempstead (Waller County).
Designation unidentified: Brownsville City Health Clinic, Brownsville (Cameron County).
Designation unidentified: Prairie View A & M University, Prairie View (Walker County).

UTAH

Carbon-Emery service area (1) Emergy County Clinic, Castle Dale (2) Four Corners Mental Health Center, Price (Carbon County).
Unitah County, Family Health Center, Vernal (Unitah County).

VIRGINIA

Designation unidentified: Louisa Medical Center, Louisa (Louisa County).
Troutdale service area, Troutdale Community Health Center, Troutdale (Grayson County).
Designation unidentified: Craigsville Community Medical Center, Craigsville (Augusta County).
Grayson County, Independence Medical Center, Independence (Grayson County).
Lee County, Central Virginia Community Health Center, New Canton (Buckingham County).
Fluvanna/Buckingham/Cumberland Tri-County service area, St. Charles Health Center, St. Charles (Lee County).
Amelia County, Mannboro Medical Center, Mannboro (Amelia County).
Bedford service area, Moneta (Bedford County).
Lee County, Western Lee County Health Center, Ewing (Lee County).
Bedford service area, Big Island Medical Clinic, Big Island (Bedford County).
Chesapeake City, Chesapeake Health Systems, Ltd., Chesapeake (Chesapeake City).

WASHINGTON

Designation unidentified: (1) Seattle Indian Health Board, Seattle (King County) (2) Grand Coulee Area Health Care, Grand Coulee (Grant County) (3) Forks Medical Clinic, Forks (Clallam County).

WEST VIRGINIA

Wayne County, Crum Kermit Medical Center, Kermit (Wayne County).
Lincoln County, Harts Medical Center, Harts (Lincoln County).
Monroe County, Monroe County Medical Center, Union (Monroe County).
Blacksville service area, Clay-Battelle Community Health , Blacksville (Monongolia County).
Designation unidentified: Dry Fork Community Clinic, Yukon (McDowell County).
Mason service area, Bend Area Medical Center, New Haven (Mason County).
Preston County, Preston County Health Council, Kingwood (Preston County).
Tyler service area, Middle Island Health Service, Middlebourne (Tyler County).
Mount Storm service area, Mountaintop Health Services, Mount Storm (Grant County).
Hardy County, Drs. J. W. Love Memorial Clinic, Moorefield (hardy County).
Hardy County, Village Medical Services, Barboursville (Cabell County).
Cabell service area, Lincoln Primary Care Center, Hanlin (Lincoln County).
Lincoln County, Wayne Health Services, Wayne (Wayne County).
Designation unidentified: Tug River Health Association, Wilcoe (McDowell County).
Designation unidentified: Summersville Memorial Hospital, Summersville (Nicholas County).
Taylor County, Taylor County Health Council, Grafton (Taylor County).
Cabell service area, Milton (Cabell County).
Wayne County, Ceredo-Kenova, Huntington (Wayne County).

WISCONSIN

Mellen-Ashland service area (1) Park Falls Area Medical Corps, Park Falls (Price County) (2) Group Health Cooperative, Mellen (Ashland County).

DENTAL CARE

ALABAMA

County Listing

County name	Degree of shortage group
Hale	02
Lamar	01
Pickens	04

ARIZONA

County Listing

County name	Degree of shortage group
Apache:	
Service area, Southeast/South Central Apache Co.	02
Service area, White Mountain Indian Reservation	01
Gila:	
Gila	04
Greenlee	03
Maricopa:	
Service area, South Phoenix	02
Navajo:	
Service area, Hopi Indian Reservation	01
Pima:	
Service area, Marana MSA	02
Pinal	04
Pinal:	
Service area: Gila/East Pinal Co.	04
Santa Cruz	02

Service Area Listing

Service area name	Degree of shortage group
Marana MSA	02
County—Pima:	
Parts of county:	
Marana CCD	
South Phoenix	02
County—Maricopa:	
Parts of county:	
C.T. 1152	
C.T. 1153	
C.T. 1154	
C.T. 1155	
C.T. 1156	
C.T. 1157	
C.T. 1158	
C.T. 1159	
C.T. 1160	
C.T. 1161	
C.T. 1162.01	
C.T. 1162.02	
C.T. 1163	
C.T. 1164	
C.T. 1165	
C.T. 1166	
C.T. 1167	
Hopi Indian Reservation	01
County—Navajo:	
Parts of county:	
Hopi Div.	
Southeast/South Central Apache Co.	02
County—Apache:	
Parts of county:	
St. Johns	
Round Valley	
Puerco	
White Mountain Indian Reservation	01
County—Apache:	
Parts of county:	
Monary CCD (South Part)	
County—Gila:	
Parts of county:	
Reservation Division	
Gila/East Pinal Co.	04
County—Gila	04
County—Pinal:	
Parts of county	
Superior-Ray	
San Manuel	

CALIFORNIA

County Listing

County name	Degree of shortage group
San Benito	04
San Francisco:	

CALIFORNIA—Continued

County name	Degree of shortage group
Service area, Potrero Hill/South Bayshore	02

Service Area Listing

Service area name	Degree of shortage group
Potrero Hill/South Bayshore	02
County—San Francisco:	
Parts of county:	
C.T. 277	
C.T. 230	
C.T. 231	
C.T. 232	
C.T. 233	
C.T. 234	
C.T. 606	
C.T. 607	
C.T. 608	
C.T. 609	
C.T. 610	
C.T. 180	

CONNECTICUT

County Listing

County name	Degree of shortage group
Hartford:	
Service area, north/north central Hartford	02

Service Area Listing

Service area name	Degree of shortage group
North/north central Hartford	02
County—Hartford:	
Parts of county:	
C.T. 5008	
C.T. 5009	
C.T. 5010	
C.T. 5012	
C.T. 5013	
C.T. 5014	
C.T. 5015	
C.T. 5017	
C.T. 5018	
C.T. 5035	

GEORGIA

County Listing

County name	Degree of shortage group
Butts	03
Heard	01
Lamar	04
Meriwether	03
Pike	01

HAWAII

County Listing

County name	Degree of shortage group
Honolulu:	
Service area, Wainae Coast	04

Service Area Listing

Service area name	Degree of shortage group
Wainae Coast	04
County—Honolulu:	
Parts of county:	
C.T. 96.01	
C.T. 96.02	
C.T. 97	
C.T. 98	

IDAHO

County Listing

County name	Degree of shortage group
Idaho	03

ILLINOIS

County Listing

County name	Degree of shortage group
Alexander	02
Brown	04
Calhoun	01
Greene	04
Hancock	04
Hardin	02
Johnson	02
Massac	02
Pope	02
Pulaski	02
Scott	01

Service Area Listing

Service area name	Degree of shortage group
Southern Illinois	02
County—Alexander	02
County—Hardin	02
County—Pope	02
County—Massac	02
Johnson—County	02
County—Pulaski	02
Gary/area No. 1	01
County—Lake:	
Parts of County:	
C.T. 101	
C.T. 127	
C.T. 128	
C.T. 129	
C.T. 102	
C.T. 103	
C.T. 104	
C.T. 106	
C.T. 107	
C.T. 108	
C.T. 109	
C.T. 110	
C.T. 111	
C.T. 112	
C.T. 113	
C.T. 114	

Service Area Listing—Continued

Service area name	Degree of shortage group
C.T. 115	
C.T. 116	
C.T. 117	
C.T. 118	
C.T. 119	
C.T. 120	
C.T. 121	
C.T. 122	
C.T. 123	
C.T. 123	
C.T. 124	
C.T. 125	

INDIANA

COUNTY LISTING

County name	Degree of shortage group
Crawford	03
LaGrange	04
Lake:	
Service area, Gary/area No. 1	01
Martin	03
Miami	03
Owen	02
Pike	04
Starke	04

KANSAS

County Listing

County name	Degree of shortage group
Chase	01
Chautauqua	03
Cherokee	03
Coffee	00
Comanche	01
	02
Gray	04
Greeley	01
Jefferson	00
Jewell	01
Lane	01
Linn	02
Meade	04
Morton	01
Smith	03
Stanton	01
Wabaunsee	02
Wallace	01
Woodson	03

MAINE

County Listing

County name	Degree of shortage group
Penobscot:	
Service area: Dexter-Hartland	03
Piscataquis	
Somerset	

Service Area Listing

Service area name	Degree of shortage group
Dexter-Hartland	03
County—Penobscot:	
Parts of county:	
Charleston Town	
County—Somerset:	
Parts of county:	
Cornville Town	
County—Penobscot:	
Parts of county:	
Corrinna Town	
Corinth Town (E. & S.)	
Dexter Town	
Exeter Town	
Garland Town	
Newport Town	
Stetson Town	
Plymouth Town	
County—Piscataquis:	
Parts of county:	
Abbot Town	
Atkinson Town	
Dover Town	
Guilford Town	
Parkman Town	
Sangerville Town	
Wellington Town	
County—Somerset:	
Parts of county:	
Cambridge Town	
Detroit Town	
Harmony Town	
Harland Town	
Palmyra Town	
Ripley Town	
St. Albans Town	
Brighton Plant	
Athens Town	
Canaan Town	

MARYLAND

County Listing

County name	Degree of shortage group
Somerset County:	
Service area, Somerset County	02
Baltimore City:	
Service area: east Baltimore	01
Service area: west Baltimore	02
Service area: Hampden/Woodberry/ Remington	04

Service Area Listing

Service area name	Degree of shortage group
North-central Baltimore	04
Somerset County	02
County—Somerset County:	
Parts of county:	
C.T. 0010	
C.T. 0030	
C.T. 0040	
C.T. 0060	
C.T. 0080	
C.T. 0130	
C.T. 0150	
C.T. 402	02
County—Baltimore City	
Parts of county:	
C.T. 402	
C.T. 1401	
C.T. 1402	
C.T. 1403	
C.T. 1501	
C.T. 1502	
C.T. 1601	
C.T. 1602	
C.T. 1603	
C.T. 1604	
C.T. 1701	
C.T. 1702	
C.T. 1703	
C.T. 2101	
East Baltimore	01
County—Baltimore City:	
Parts of county:	
C.T. 501	
C.T. 603	
C.T. 604	
C.T. 605	
C.T. 704	
C.T. 806	
C.T. 807	
C.T. 808	
C.T. 909	
C.T. 1001	
C.T. 1002	
C.T. 1004	
West Baltimore	02
County—Baltimore City:	
Parts of county:	
C.T. 1801	
C.T. 1802	
C.T. 1803	
C.T. 1901	
C.T. 1902	
C.T. 1903	
C.T. 2001	
C.T. 2002	
C.T. 2003	
C.T. 2004	
C.T. 2005	
Hampden/Woodberry/Remington	04
County—north central Baltimore:	
Parts of county:	
C.T. 1203	
C.T. 1206	
C.T. 1207	
C.T. 1305	
C.T. 1306	
C.T. 1308.02	

MICHIGAN

County Listing

County name	Degree of shortage group
Arenac:	
Service area, Rifle River	02
Baraga:	
Service area, Iron County area	04
Houghton	
Iosco:	
Service area, Rifle River	02
Iron	04
Marquette	
Service area, Iron County area	04
Ogemau	
Service area, Rifle River	02
Ontonagon	
Service area, Iron County area	04
Roscommon	
Service area, Houghton Lake—St. Helen	04
Wayne	
Service area, Beryl Spruce Center (dental area I)	03
Service area, Mom & Tots Family Center (dental area II)	02
Service area, Sumter Health Center (dental area III)	04
Service area, Wayne County Department of Health Clinic—area IV	04

Service Area Listing

Service area name	Degree of shortage group
Houghton Lake—St. Helen	04
County—Roscommon:	
Parts of county:	
Richfield Township	
Au Sable Township	

Service Area Listing—Continued

Service area name	Degree of shortage group
Nester Township	
Backus Township	
Higgins Township	
Denton Township	
Roscommon Township	
Iron County Area	04
County—Iron	04
County—Baraga	
Parts of county:	
Covington Township	
Spurr Township	
County—Ontonagon:	
Parts of county:	
Interior Township	
County—Marquette:	
Parts of county:	
Republic Township	
County—Houghton:	
Parts of county:	
Duncan Township	
County—Forest:	
Parts of county:	
Alvin Township	
Pople River Township	
County—Vilas:	
Parts of county:	
Philips Township	
Connover Township	
Rifle River	02
County—Ogemau:	
Parts of county:	
Horton Township	
Mills Township	
Richland Township	
Churchhill Township	
Logan Township	
County—Iosco:	
Parts of county:	
Plainfield Township	
Reno Township	
Burleigh Township	
County—Arenac:	
Parts of county:	
Moffet Township	
Clayton Township	
Mason Township	
Beryl Spruce Center (dental area I)	03
County—Wayne:	
Parts of county:	
C.T. 751	
C.T. 752	
C.T. 753	
C.T. 754	
C.T. 779	
C.T. 780	
C.T. 781	
C.T. 782	
C.T. 783	
C.T. 784	
C.T. 785	
C.T. 786	
C.T. 787	
C.T. 788	
Mom & Tots Family Center (dental area II)	02
County—Wayne:	
Parts of county:	
C.T. 755	
C.T. 756	
C.T. 757	
C.T. 765	
C.T. 766	
C.T. 767	
C.T. 768	
C.T. 769	
C.T. 770	
C.T. 771	
C.T. 772	
C.T. 773	
C.T. 774	
C.T. 775	
C.T. 776	
C.T. 777	
C.T. 778	
C.T. 779	
C.T. 789	
C.T. 790	
C.T. 791	
C.T. 792	

Service Area Listing—Continued

Service area name	Degree of shortage group
C.T. 797	
Sumter Health Center (dental area III)	04
County—Wayne:	
Parts of county:	
C.T. 937	
C.T. 938.01	
C.T. 938.02	
C.T. 939	
C.T. 940	
C.T. 941	
C.T. 942.01	
Wayne County Department of Health Clinic—area IV	04
County—Wayne:	
Parts of county:	
C.T. 841	
C.T. 842	
C.T. 843	
C.T. 844	
C.T. 918.01	
C.T. 918.02	
C.T. 919	
C.T. 942.02	
C.T. 943	

MINNESOTA

County Listing

County name	Degree of shortage group
Hennepin:	
Service area, American Indian population in Minneapolis	01

Service area listing

Service area name	Degree of shortage group
American Indian population in Minneapolis	01
County—Hennepin:	
Parts of County:	
American Indian population in Minneapolis.	

MISSOURI

County Listing

County name	Degree of shortage group
Bollinger	01
Carter	01
Christian	02
Dallas	01
Douglas	03
Dunklin	02
McDonald	04
Maries	02
Mississippi	02
Oregon	01
Ozark	01
Pemiscot	03
Reynolds	01
Ripley	02
Shannon	01
Stoddard	03
Stone	03
Texas	03
Washington	01
Wright	03

MONTANA

County Listing

County name	Degree of shortage group
Jefferson	03
Madison	04
Phillips	04
Rosebud	04
Treasure	04

Service Area Listing

Service area name	Degree of shortage group
Rosebud	04
County—Rosebud	04
County—Treasure	04

NEVADA

County Listing

County name	Degree of shortage group
Clark:	
Service area, Northeast Clark	01
Service area, South/Southwest Clark	01
Service area, Western Clark	01
Esmeralda	01
Eureka	01
Lander	01
Lyon	03
Mineral	02
Nye	01
Storey	01
White Pine	04

Service Area Listing

Service area name	Degree of shortage group
Northeast Clark	01
County—Clark:	
Parts of county:	
C.T. 56	
C.T. 59 (East)	
South/Southwest Clark	01
County—Clark:	
Parts of county:	
C.T. 58 (South)	
C.T. 57	
Western Clark	01
County—Clark:	
Parts of county:	
C.T. 59 (West)	
C.T. 58 (Central/Northern)	

NEW JERSEY

County Listing

County name	Degree of shortage group
Mercer:	
Service area, Dentally indigent in Henry Austin area	03

NEW MEXICO

County Listing

County name	Degree of shortage group
Lincoln:	
Service area, Northern Lincoln County	01

Service Area Listing

Service area name	Degree of shortage group
Northern Lincoln County	01
County—Lincoln:	
Parts of county:	
Carrizozo	
Capitan	
Corona	

NEW YORK

County Listing

County name	Degree of shortage group
Bronx:	
Service area: South central Bronx-Fort Apache	04
Cattaraugus:	
Service area: Northwest Cattaraugus	01
Cortland:	
New York:	
Service area: East Harlem	03

Service Area Listing

Service area name	Degree of shortage group
Northwest Cattaraugus	01
County—Cattaraugus:	
Parts of county:	
Dayton	
Persia	
Otto	
East otto	
Mansfield	
Leon	
New Albion	
Conewango	
Napoli	
Little Valley	
East Harlem	03
County—New York:	
Parts of county:	
C.T. 178	
C.T. 180	
C.T. 182	
C.T. 184	
C.T. 188	
C.T. 192	
C.T. 194	
C.T. 196	
C.T. 198	
South Central Bronx-Fort Apache	04
County—Bronx:	
Parts of county:	
C.T. 123	
C.T. 161	

NORTH CAROLINA

County Listing

County name	Degree of shortage group
Pembroke DSA	03
County—Robeson:	
Parts of county:	
Pembroke Township	
Back Swamp Township	
Union Township	
Alfordsville Township	
Maxton Township	
Red Springs Township	
Philadelphia Township	
Burnt Springs Township	
Northern Mitchell Co.	01
County—Mitchell:	
Parts of county:	
Bakersville	
Cane Creek	
Little Rock Creek	
Fork Mountain	
Red Hill	
Harrell	
Bradshaw	
Poplar	
Snow Creek	

NORTH DAKOTA

County Listing

County name	Degree of shortage group
Dunn	01
Mercer	03

OHIO

County Listing

County name	Degree of shortage group
Adams	01
Brown	03
Cuyahoga:	
Service area, Glenville	02

Service Area Listing

Service area name	Degree of shortage group
Glenville	02
County—Cuyahoga:	
Parts of county:	
C.T. 1114	
C.T. 1116-1168	
C.T. 1181-1185	

OKLAHOMA

County Listing

County name	Degree of shortage group
Adair	01
Beaver	03
Choctaw	04
Coal	02
Cotton	04
Dewey	04
Haskell	01
Hughes	04
Johnston	02
Kiowa	02

OKLAHOMA—Continued

County name	Degree of shortage group
Latimer:	
Service area, Clayton	03
Le Flore:	
Service area, Clayton	03
McCurtain	04
Major	01
Okfuskee	01
Pushmataha:	
Service area, Clayton	03
Seminole	04

Service Area Listing

Service area name	Degree of shortage group
Clayton	03
County—Latimer:	
County—Pushmataha:	
Parts of county:	
No. Push-Mataha Division	
County—Le Flore:	
Parts of county:	
E.D. 37-38 (Heavener)	
E.D. 41	
E.D. 47	
E.D. 48-49 (Talihina)	
E.D. 50	
E.D. 51	
E.D. 52	

OREGON

County Listing

County name	Degree of shortage group
Curry:	
Service area, Northwest Curry	02
Gilliam	04
Josephine:	
Service area, Cave Junction	04
Klamath:	
Service area, La Pine	02
Lake	
Marion:	
Service area, Marion Co.'s area migrant population	01
Morrow	04
Multnomah:	
Service area, North/Northeast Portland	04
Polk:	
Service area: Marion Co.'s area Migrant population	01
Wheeler	04
Yamhill	

Service Area Listing

Service area name	Degree of shortage group
North/Northeast Portland	04
County—Multnomah:	
Parts of county:	
C.T. 37.02	
C.T. 38.01	
C.T. 38.02	
C.T. 38.03	
C.T. 39.01	
C.T. 39.02	
C.T. 40.01	
C.T. 40.02	
Marion Co.'s area Migrant population	01
County—Marion	
Parts of county:	
Migrant population	
County—Polk	
Parts of county:	
Migrant population	

Service Area Listing—Continued

Service area name	Degree of shortage group
County—Yamhill	
Parts of county:	
Migrant population	

PENNSYLVANIA

County Listing

County name	Degree of shortage group
Dauphin:	
Service area: Tri-town service area	04
Schuylkill:	
Service area, Tri-town service area	04

Service Area Listing

Service area name	Degree of shortage group
Tri-Town service area	04
County—Dauphin	
Parts of county:	
Lykens Borough	
Williamstown Borough	
Gratz Borough	
Wiconisco township	
County—Schuylkill	
Parts of county:	
Tower City Borough	
Frailey township	

SOUTH CAROLINA

County Listing

County name	Degree of shortage group
Richland:	
Service area, Richland Co	01

Service Area Listing

Service area name	Degree of shortage group
Richland Co	01
County—Richland:	
Parts of county:	
C.T.118	
C.T.119.02	
C.T.120	

UTAH

County Listing

County name	Degree of shortage group
Daggett	01
Piute	01
Rich	01
Wayne	01

WASHINGTON

County Listing

County name	Degree of shortage group
Adams:	
Service area, Grant-Adams Counties migrant population	02
Grant	
King:	
Service area, Seattle & King Counties jails	02

Service Area Listing

Service area name	Degree of shortage group
Grant-Adams Counties migrant population	02
County—Adams:	
Parts of county:	
Migrant population	
County—Grant:	
Parts of county:	
Migrant population	
Seattle & King Counties jails	02
County—King:	
Parts of county:	
Seattle & King Counties jails	

WEST VIRGINIA

County Listing

County name	Degree of shortage group
Mason County:	
Service area, Mason County service area.	01

Service Area Listing

Service area name	Degree of shortage group
Mason County service area	01
County—Mason County:	
Parts of county:	
Arbuckle district	
Clendenin district	
Cologne district	
Cooper district	
Graham district	
Hannan district	
Robinson district	
Union district	
Waggener district	

WISCONSIN

County Listing

County name	Degree of shortage group
Buffalo:	
Service area, Whitehall/Arcadia	01
Florence	01
Forest:	
Service area, Mountain	01
Iron	03
Jackson	02
Juneau:	
Service area, Hillsboro area	02
Snohomish:	
Service area, Tulalip-Snohomish County	04
Langlade	
Service area, Mountain	01
Marathon	

WISCONSIN—Continued

County name	Degree of shortage group
Monroe:	
Service area, Hillsboro area	02
Oconto:	
Service area, Mountain	01
Richland:	
Service area, Hillsboro area	02
Sauk	
Trempealeau:	
Service area, Whitehall/Arcadia	01
Vernon	
Service area, Hillsboro area	02
Vilas:	
Mountain	01
County—Oconto:	
Parts of county:	
Townsend town	
Lakewood town	
Doty town	
Riverview town	
Armstrong town	
Breed town	
Bagley town	
Brazeau town	
County—Forest:	
Parts of county:	
Freedom town	
Wabeno town	
Blackwell town	
County—Langlade:	
Parts of county:	
Evergreen town	
Wolf River town	
White Lake Village	
Hillsboro area	02
County—Juneau:	
Parts of county:	
Wonewoc (vil)	
County—Monroe	
Parts of county:	
Sheldon	
Wellington	
Glendale	
County—Juneau:	
Parts of county:	
Wonewoc (town)	
County—Monroe:	
Parts of county:	
Cashton	
Jefferson	
Kendall (vil)	
County—Sauk:	
Parts of county:	
Woodland	
County—Richland:	
Parts of county:	
Henrietta	
Westford	
County—Vernon:	
Parts of county:	
Hillsboro (town)	
Greenwood	
Union	
Forest	
County—Richland:	
Parts of county:	
Bloom	
County—Sauk:	
Parts of county:	
La Valle	
County—Vernon:	
Parts of county:	
Clinton	
Hillsboro (city)	
Ontario (vil)	
Stark	
Whitestown	
County—Monroe:	
Parts of county:	
Sheldon	
County—Richland:	
Parts of county:	
Yuba (vil)	
Athens city	02
County—Marathon:	
Parts of county:	
Athens city	
Bein town	
Halsey town	
Hamburg town	

WISCONSIN—Continued

County name	Degree of shortage group
Johnson town	
Rietbrock town	
Whitehall/Arcadia	01
County—Trempealeau:	
Parts of county:	
Arcadia (city)	
Arcadia (town)	
Blair (city)	
Whitehall/Arcadia	01
County—Trempealeau:	
Parts of county:	
Burnside (town)	
Chimney Rock	
Dodge	
Hale	
Independence (city)	
Lincoln	
Pideon	
Pigeon Falls (village)	
Preston	
Whitehall	
County—Buffalo:	
Parts of county:	
Cross	
Glencoe	
Milton	04
Tulalip Tribe-Snohomish County	
County—Snohomish:	
Parts of county:	
Tulalip Tribe	

WYOMING

County Listing

County name	Degree of shortage group
Albany:	
Service area, Hanna-Rock River	01
Carbon	
Fremont:	
Service area, Sweetwater	01

Service Area Listing

Service area name	Degree of shortage group
Hanna-Rock River	01
County—Albany:	
Parts of county:	
Rock River CCD	
County—Carbon:	
Parts of county:	
Hanna CCD	
Sweetwater	01
County—Fremont:	
Parts of county:	
Sweetwater CCD	

Supplemental List of NHSC-Staffed Dental Sites Previously Designated Under Section 329(b)

ALABAMA

Macon County, John Andrero Clinic, Tuskegee (Macon County).
Clay County, Town of Lineville, Lineville (Clay County).

ALASKA

North Slope Borough service area, North Slope Borough Health Program, Barrow (North Slope Borough).

ARKANSAS

Perry County, Perry County, Perryville (Perry County).

CALIFORNIA

Designation unidentified: Riverside San Bernadino Indian Health, Banning (Riverside County).
Tri County Indian Health Project, Bishop (Inyo County).
Yuba Feather Community Service, Brownsville (Yuba County).

COLORADO

Saguache County, Saguache Dental Clinic, Saguache (Saguache County).

FLORIDA

Franklin County, Apalachicola Health Clinic, Apalachicola (Franklin County).
Designation unidentified: Florida Rural Health Service, Frostburg (Polk County).
Designation unidentified: Immokalee Health Care Center, Immokalee (Collier County).

GEORGIA

Long County, Hospital Authority of Long County, Ludowici (Long County).
Banks County, Town of Homer, Homer (Banks County).

KENTUCKY

Bracken County, Augusta Medical Development Corp., Augusta (Bracken County).
Estill County, Estill County Kiwanis Club, Irvine (Estill County).
Spencer County, Taylorsville Dental Clinic, Taylorsville (Spencer County).
Trimble County, Milton Dental Clinic, Milton (Trimble County).
McCreary County, Whitley City Health Care Center, Whitley City (McCreary County).
Butler County, Morgantown Health Care, Morgantown (Butler County).

LOUISIANA

West Carroll Parish, West Carroll Hospital Inc., Oak Grove (West Carroll Parish).
Designation unidentified: St. Bernard Area Community Clinic, New Orleans (Orleans Parish).

MAINE

Washington County, Lubec Medical Center, Lubec (Washington County).
Washington County, Washington County Health Plan, Eastport (Washington County).
Vinalhaven service area, Island Community Medical Center, Vinalhaven (Knox County).
Rangeley-Kingfield service area, Rangeley Health Council, Rangeley (Franklin County).

MISSISSIPPI

Bolivar County, Levee Street Clinic, Rosedale (Bolivar County).

MONTANA

Liberty Dental service area, Liberty County Health Planning, Chester (Liberty County).
Daniels County, Prairie Professional Clinic, Seobey (Daniels County).
Roosevelt County, Medical Dental Center, Poplar (Roosevelt County).
Designation unidentified: Health Planning Council, Shelby (Toole County).

NEW MEXICO

Rio Arriba County, La Clinica del Pueblo de Rio, Tierra Amarilla (Rio Arriba County).
Rio Arriba County, El Rito Betterment Association, El Rito (Rio Arriba County).
Fort Sumner-Santa Rosa Service Area, Dental Clinic, Santa Rosa (Guadalupe County).
Rio Arriba County, Home Education Livelihood Project, Espanola (Rio Arriba County).
Designation unidentified: La Clinica de la Gente, Santa Fe (Santa Fe County).

NORTH CAROLINA

Northhampton County, Northhampton Medical Center, Jackson (Northhampton County).
Greene County, Greene County Health Care, Snow Hill (Greene County).
Designation unidentified: Upper Hiawassee Dental Project, Murphy (Cherokee County).

NORTH DAKOTA

Grant County, Grant County Medical and Dental, Elgin (Grant County).
Emmons County, Linton Medical/Dental Clinic, Linton (Emmons County).
McIntosh County, Ashley Lions Dental Clinic, Ashley (McIntosh County).
Oliver County, Oliver County Health Service, Center (Oliver County).

OHIO

Morgan County, Morgan County Dental Services, McConnelsville (Morgan County).

OKLAHOMA

Osage County, Fairfax Dental Office, Fairfax (Osage County).

PENNSYLVANIA

Armstrong-Clarion Service Area, Hoffman Memorial Medical Center, East Brady (Clarion County).
North Philadelphia Service Area, Peoples Neighborhood Medical Center, Philadelphia.
Huntington County, Juaniata Dental Center, Alexandria (Huntington County).
City of Chester Service Area, Children Clinic-Chester City, Chester (Delaware County).
Eastern Lycominy County, Valley Community Health Care, Picture Rock (Lycoming County).
City of Chester Service Area, Sacred Heart General Hospital, Chester (Delaware County).
Designation unidentified: Valley Community Medical Center, Dry Run (Franklin County).

PUERTO RICO

Mayaquez service area, Mayaquez Medical Center, Mayaquez.
Rincon service area, Rincon Rural Health, Rincon.
San Sebastian service area, San Sebastian Western Region Health, San Sebastian.

SOUTH DAKOTA

Charles Mix County, Lake Andes Dental Clinic, Lake Andes (Charles Mix County).
Deuel County, Vanderbush Dental Clinic, Clear Lake (Deuel County).
Faulk County, Faulk County Dental Clinic, Faulkton (Faulk County).
Sanborn County, Whiting Memorial Hospital, Woonsocket (Sanborn County).
Faith Dental service area, Faith Community Dental Clinic, Faith (Meade County).

TENNESSEE

Decatur County, Decatur County Medical Center, Parsons (Decatur County).
Claiborne County, Tazewell Dental Clinic, Tazewell (Claiborne County).
Morgan County, Morgan County Medical Center, Wartburg (Morgan County).
Hickman County, Family Dental Clinic, Centerville (Hickman County).
Hancock County, Hancock County Health Planning, Sneedville (Hancock County).
Campbell County, Town of Elk Valley, Elk Valley (Campbell County).
Carter County, Cloudland Dental Clinic, Roan Mountain (Carter County).
Cheatham County/Springfield service area, Cheatham County Health Services, Ashland City (Cheatham County).

TEXAS

Starr County, Starr County, Rio Grande City (Starr County).
Farwell service area, Farwell Clinic, Farwell (Parmes County).

VERMONT

Essex County, Northern County Health Center, Island Pond (Essex County).
Addison service area, Addison County Dental Center, Bristol (Addison County).
Grand Isle County, Visiting Nurse Association, Grand Isle (Grand Isle County).

VIRGINIA

Dickenson County, Haysi Community Clinic, Haysi (Dickenson County).
Grayson County, Troutdale Community Health Clinic, Troutdale (Grayson County).
Craig County, Craig Dental Clinic, New Castle (Craig County).
Buckingham/Cumberland/Fluvanna service area, Central Virginia Community Health, New Canton (Buckingham County).

WEST VIRGINIA

Wayne County, Crum Kermit Medical Center, Kermit (Wayne County).
Lincoln County, The Harts Medical Center, Harts (Lincoln County).
Clay-Battelle service area, Clay-Battelle Community Health, Blacksville (Monongolia County),
McDowell County, Dry Fork Community Clinic, Yukon (McDowell County).
McDowell County, Tri-District Community Health, Northfolk (McDowell County).
Mount Storm service area, Mountaintop Health Services, Mount Storm (Grant County).
Tucker County, Bellington Community Health Center, Bellington (Tucker County).
Tucker County, Parsons Dental Center, Parsons (Tucker County).
Taylor County, Taylor County Health Council, Grafton (Taylor County).
Blacksville service area, Delbarton Dental Clinic, Delbarton (Mingo County).

WISCONSIN

Pulaski service area, Kickapoo Valley Medical and Dental Clinic, La Farge (Vernon County).
Florence County, Dental Health Maintenance Inc., Florence (Florence County).

HEALTH MANPOWER SHORTAGE AREAS—*Vision care*

ALABAMA

County Listing

County name	Degree of shortage group
Autauga	01
Baldwin	03
Bibb	01
Bullock	01
Chambers	02
Chilton	02
Choctaw	01
Clarke	02
Cleburne	01
Elmore	03
Franklin	02
Greene	01
Hale	01
Jackson	02
Lamar	01
Lee	02
Macon	02
Marengo	03
Marion	03
Mobile	03
Monroe	03
Montgomery	03
Pickens	03
Randolph	03
Russell	01
Sumter	01
Tuscaloosa	02
Washington	01
Wilcox	01

ARIZONA

County Listing

County name	Degree of shortage group
Apache	01
Cochise	03
Greenlee	01
Santa Cruz	00
Yavapai	03

Service Area Listing

Service area name	Degree of shortage group
Gila/East Pinal	02

ARKANSAS

County Listing

County name	Degree of shortage group
Madison	01
Miller	01

COLORADO

County Listing

County name	Degree of shortage group
Baca	01
Ouray	01
Rio Blanco	01

COLORADO—Continued

County name	Degree of shortage group
San Juan	01
San Miguel	01

FLORIDA

County Listing

County name	Degree of shortage group
Holmes	01

INDIANA

County Listing

County name	Degree of shortage group
Lagrange	01
Starke	03

IOWA

County Listing

County name	Degree of shortage group
Ringgold	01

KENTUCKY

County Listing

County name	Degree of shortage group
Clinton	01
Knott	01
Lee	01
Letcher	03

LOUISIANA

County Listing

County name	Degree of shortage group
De Soto	03
Iberia	03
Iberville	02
St. Charles	02

MARYLAND

County Listing

County name	Degree of shortage group
Calvert	01
St. Marys	03

MISSISSIPPI

County Listing

County name	Degree of shortage group
Amite	01
Clarke	01
Greene	01
Lauderdale	02
Quitman	01

NEVADA

Service Area Listing

Service area name	Degree of shortage group
Rural Clark County	01

NORTH CAROLINA

County Listing

County name	Degree of shortage group
Pender	01

TENNESSEE

County Listing

County name	Degree of shortage group
Fentress	01

TEXAS

County Listing

County name	Degree of shortage group
Knox	01
Marion	01
Panola	01
Starr	03
Walker	03
Willacy	01

VIRGINIA

County Listing

County name	Degree of shortage group
Accomack	03
Cumberland	01
Dickenson	01
King William	01
Lunenburg	01
Powhatan	01

HEALTH MANPOWER SHORTAGE AREAS.—*Podiatric Care*

County name	Degree of shortage group
Alabama—County listing:	
Autauga	01
Baldwin	01
Barbour	01
Bibb	01
Blount	01
Bullock	01
Butler	01
Calhoun	03
Chambers	01
Cherokee	01
Chilton	01
Choctaw	0
Clay	01
Cleburne	01
Coffee	01
Colbert	01
Conecuh	01
Covington	01
Crenshaw	01
Cullman	01
Dale	01
Dallas	01
De Kalb	01
Elmore	01
Etowah	02
Fayette	01
Franklin	01
Geneva	01
Hale	01
Henry	01
Houston	03
Jackson	01
Jefferson	02
Lamar	01
Lauderdale	03
Lawrence	01
Lee	01
Limestone	01
Lowndes	01
Macon	01
Madison	02
Marengo	01
Marion	01
Marshall	01
Mobile	02
Monroe	01
Montgomery	02
Morgan	01
Perry	01
Pickens	01
Pike	01
Randolph	01
Russell	01
St. Clair	01
Shelby	01
Sumter	01
Talladega	01
Tallapoosa	01
Tuscaloosa	02
Walker	01
Washington	01
Wilcox	01
Winston	01
Alaska—County listing:	
First Judicial Division	02
Arizona—County listing:	
Apache	01
Cochise	01
Coconino	01
Gila	01
Graham	01
Greenlee	01
Mohave	01
Navajo	01
Pima	03
Pinal	01
Santa Cruz	01
Yavapai	03
Yuma	02
Arkansas—County listing:	
Arkansas	01
Ashley	01
Benton	01
Boone	01
Bradley	01
Carroll	01
Chicot	01
Clark	01
Clay	01
Cleburne	01
Conway	01
Craighead	01
Crawford	01
Crittenden	01
Cross	01
Desha	01
Drew	01
Faulkner	01
Franklin	01
Grant	01
Greene	01
Hempstead	01
Hot Spring	01
Howard	01
Jackson	01
Jefferson	02
Johnson	01
Lawrence	01
Lee	01
Lincoln	01
Little River	01
Logan	01
Lonoke	01
Miller	03
Mississippi	01
Monroe	01
Nevada	01
Ouachita	01
Phillips	01
Poinsett	01
Polk	01
Pope	01
Pulaski	03
Randolph	01
St. Francis	01
Saline	01
Sharp	01
Union	03
White	01
Woodruff	01
Yell	01
California—County listing:	
Amador	01
Calaveras	01
Del Norte	01
Fresno	03
Humboldt	03
Imperial	02
Kern	02
Kings	02
Lake	02
Lassen	01
Madera	03
Merced	02
Monterey	03
Riverside	03
San Benito	01
San Bernardino	03
San Luis Obispo	03
Siskiyou	01
Tehama	01
Tulare	03
Ventura	03
Yolo	03
Colorado—County listing:	
Delta	01
El Paso	03
Fremont	01
Las Animas	01
Montrose	01
Morgan	01
Weld	02
Delaware—County listing:	
Kent	03
Sussex	03
Florida—County listing:	
Alachua	03
Baker	01
Bay	02
Bradford	01
Brevard	03
Charlotte	03
Citrus	01
Clay	01
Collier	03
Columbia	01
De Soto	01

HEALTH MANPOWER SHORTAGE AREAS.—*Podiatric Care*—Continued

County name	Degree of shortage group
Duval	03
Escambia	03
Gadsden	01
Hardee	01
Hernando	01
Highlands	01
Hillsborough	03
Holmes	01
Indian River	01
Jackson	01
Lake	03
Lee	03
Leon	03
Levy	01
Madison	01
Manatee	03
Marion	03
Nassau	01
Okaloosa	01
Osceola	01
Pasco	01
Polk	01
Santa Rosa	01
Seminole	02
Sumter	01
Suwannee	01
Taylor	01
Volusia	01
Walton	01
Washington	01
Georgia—County listing:	
Appling	01
Baldwin	01
Bartow	01
Ben Hill	01
Berrien	01
Bibb	03
Brooks	01
Bulloch	01
Butts	01
Carroll	01
Catoosa	01
Chatham	03
Chattooga	01
Cherokee	01
Colquitt	01
Cook	01
Coweta	01
Crisp	01
Decatur	01
Dodge	01
Dougherty	03
Early	01
Effingham	01
Elbert	01
Emanuel	01
Fayette	01
Floyd	03
Forsyth	01
Gordon	01
Grady	01
Habersham	o1
Hall	01
Haralson	01
Hart	01
Henry	01
Houston	01
Jones	01
Laurens	01
Liberty	01
Lowndes	03
Macon	01
Mitchell	01
Monre	01
Murry	01
Newton	01
Paulding	01
Peach	01
Polk	01
Rockdale	01
Stephens	01
Sumter	01
Tattnall	01
Tift	01
Toombs	01
Walker	01
Walton	01
Washington	01

HEALTH MANPOWER SHORTAGE AREAS.—*Podiatric Care*—Continued

County name	Degree of shortage group
Wayne	01
Whitfield	01
Worth	01
Hawaii—Country Listing:	
Hawaii	02
Honolulu	02
Kauai	01
Maui	01
Idaho—County listing:	
Bonner	01
Payette	01
Shoshone	01 000
Illinois—County listing:	
Alexander	01
Bureau	01
Champaign	03
Clay	01
Coles	01
Douglas	00
Edgar	01
Ford	01
Fulton	02
Greene	01
Iroquois	01
Jackson	03
Kankakee	03
Marshall	01
Mason	01
Massac	01
Monroe	01
Moultrie	01
Peoria	01
Randolph	01
Rock Island	03
St. Clair	02
Shelby	01
Union	01
Vermilion	03
Whiteside	02
Williamson	02
Woodford	01
Indiana—County listing:	
Benton	01
Blackford	01
Boone	01
Carroll	01
Cass	03
Clay	01
Daviess	01
Dearborn	01
Delaware	03
Dubois	01
Fountain	01
Fulton	03
Gibson	01
Grant	03
Greene	01
Hamilton	01
Harrison	01
Hendricks	01
Henry	01
Howard	02
Huntington	01
Jackson	01
Jasper	01
Jay	01
Knox	01
Kosciusko	01
Lagrange	01
Madison	03
Miami	01
Morgan	01
Newton	01
Noble	01
Orange	01
Owen	01
Parke	01
Perry	01
Pike	01
Porter	03
Posey	01
Pulaski	01
Putnam	01
Randolph	01
Ripley	01
Scott	01
Spencer	01
Starke	01

HEALTH MANPOWER SHORTAGE AREAS.—*Podiatric Care*—Continued

County name	Degree of shortage group
Sullivan	01
Tipton	01
Vermillion	01
Vigo	03
Warrick	01
Washington	01
Whitley	01
Iowa—County listing:	
Allamakee	01
Appanoose	01
Audubon	01
Butler	01
Cedar	01
Chickasaw	01
Clarke	01
Clayton	01
Clinton	03
Crawford	01
Decatur	01
Floyd	01
Guthrie	01
Hancock	01
Hardin	01
Howard	01
Iowa	01
Jackson	01
Jones	01
Keokuk	01
Kossuth	01
Lucas	01
Lyon	01
Marion	01
Mitchell	01
OBrien	01
Osceola	01
Palo Alto	01
Pocahontas	01
Poweshiek	01
Sioux	01
Story	01
Washington	01
Wayne	01
Winnebago	01
Kansas—County listing:	
Allen	01
Bourbon	01
Brown	01
Butler	03
Cherokee	01
Douglas	02
Franklin	01
Greenwood	01
Jackson	01
Jefferson	01
Johnson	03
Lyon	03
Marion	01
Marshall	01
Miami	01
Nemaha	01
Neosho	01
Osage	01
Pottawatomie	01
Seward	01
Shawnee	03
Sumner	01
Wilson	01
Wyandotte	01
Kentucky—County listing:	
Adair	01
Allen	01
Barren	01
Boone	01
Bourbon	01
Breathitt	01
Breckinridge	01
Bullitt	01
Caldwell	01
Calloway	01
Carter	01
Casey	01
Christian	03
Clark	01
Clay	01
Daviess	03
Estill	01
Fleming	01
Floyd	01

HEALTH MANPOWER SHORTAGE AREAS.—*Podiatric Care*—Continued

County name	Degree of shortage group
Grant	01
Graves	01
Grayson	01
Greenup	01
Hardin	02
Harlan	01
Harrison	01
Hart	01
Henry	01
Hopkins	01
Jefferson	03
Jessamine	01
Knott	01
Knox	01
Larue	01
Letcher	01
Lewis	01
Lincoln	01
Logan	01
McCreary	01
Madison	01
Mason	01
Meade	01
Mercer	01
Monroe	01
Montgomery	01
Muhlenberg	01
Nelson	01
Ohio	01
Oldham	01
Perry	01
Pike	01
Pulaski	01
Rockcastle	01
Scott	01
Shelby	01
Simpson	01
Taylor	01
Todd	01
Union	01
Wayne	01
Webster	01
Whitley	01
Woodford	01
Louisiana—County listing:	
Acadia	01
Allen	01
Ascension	01
Assumption	01
Avoyelles	01
Bienville	01
Bossier	01
Calcasieu	03
Claiborne	01
Concordia	01
De Soto	01
East Baton Rouge	03
East Carroll	01
East Feliciana	01
Evangeline	01
Franklin	01
Grant	01
Iberia	01
Iberville	01
Jackson	01
Jefferson	02
Lafayette	02
Lafourche	01
La Salle	01
Lincoln	01
Livingston	01
Madison	01
Morehouse	01
Natchitoches	01
Ouachita	02
Plaquemines	01
Pointe Coupee	01
Rapides	03
Richland	01
Sabine	01
St. Bernard	01
St. Charles	01
St. James	01
St. John the Baptist	01
St. Landry	01
St. Martin	01
St. Mary	01
St. Tammany	01
Tangipahoa	01
Terrebonne	01
Union	01
Vermilion	01
Vernon	01
Washington	01
Webster	01
West Baton Rouge	01
West Carroll	01
Winn	01
Maine—County listing:	
Aroostook	01
Franklin	01
Hancock	03
Lincoln	01
Oxford	01
Penobscot	02
Piscataquis	01
Sagadahoc	01
Somerset	01
Waldo	01
Washington	01
York	01
Maryland—County listing:	
Allegany	03
Anne Arundel	02
Calvert	01
Caroline	01
Cecil	01
Charles	01
Garrett	01
Queen Annes	01
St. Marys	01
Michigan—County listing:	
Allegan	03
Antrim	01
Arenac	01
Barry	01
Berrien	02
Branch	01
Cass	01
Chippewa	01
Clare	01
Clinton	01
Delta	03
Dickinson	01
Eaton	01
Genesee	03
Gladwin	01
Grand Traverse	01
Hillsdale	03
Houghton	01
Huron	01
Ingham	03
Ionia	01
Isabella	02
Jackson	02
Leelanau	01
Livingston	01
Mecosta	01
Menominee	01
Montcalm	01
Newaygo	01
Oceana	01
Ogemaw	01
Osceola	01
Otsego	01
Ottawa	01
Presque Isle	01
Sanilac	01
Shiawassee	02
Tuscola	01
Van Buren	01
Minnesota—County listing:	
Aitkin	01
Anoka	02
Becker	01
Benton	01
Carlton	01
Carver	01
Cass	01
Chippewa	01
Chisago	01
Clay	01
Cook	01
Cottonwood	01
Crow Wing	03
Dakota	03
Douglas	01
Grant	03
Houston	01
Hubbard	01
Isanti	01
Itasca	01
Kanabec	01
Koochiching	01
Lac Qui Parle	01
McLeod	01
Meeker	01
Mille Lacs	01
Morrison	01
Murray	01
Otter Tail	03
Pine	01
Pope	01
Ramsey	03
Redwood	01
Renville	01
Rice	03
Roseau	01
St. Louis	03
Scott	01
Sherburne	01
Stearns	03
Stevens	01
Swift	01
Todd	01
Wadena	01
Washington	01
Wright	01
Yellow Medicine	01
Mississippi—County listing:	
Adams	01
Alcorn	01
Amite	01
Attala	01
Bolivar	01
Calhoun	01
Chickasaw	01
Clarke	01
Clay	01
Coahoma	01
Copiah	01
Covington	01
De Soto	01
George	01
Grenada	01
Hancock	01
Harrison	02
Hinds	03
Holmes	01
Humphreys	01
Itawamba	01
Jackson	03
Jasper	01
Jefferson Davis	01
Jones	01
Lafayette	01
Lamar	01
Lauderdale	01
Lawrence	01
Leake	01
Lee	01
Leflore	01
Lincoln	01
Lowndes	01
Madison	01
Marion	01
Marshall	01
Monroe	01
Montgomery	01
Neshoba	01
Newton	01
Noxubee	01
Oktibbeha	01
Panola	01
Pearl River	01
Pike	01
Pontotoc	01
Prentiss	01
Quitman	01
Rankin	01
Scott	01
Simpson	01
Smith	01
Sunflower	01

HEALTH MANPOWER SHORTAGE AREAS.—*Podiatric Care*—Continued

County name	Degree of shortage group
Tallahatchie	01
Tate	01
Tippah	01
Tishomingo	01
Union	01
Walthall	01
Warren	01
Washington	02
Wayne	01
Winston	01
Yalobusha	01
Yazoo	01
Missouri—County listing:	
Andrew	01
Benton	01
Buchanan	02
Camden	01
Cape Girardeau	03
Carroll	01
Cass	01
Cedar	01
Chariton	01
Clay	01
Clinton	01
Cooper	01
Crawford	01
Dallas	01
Dent	01
Douglas	01
Dunklin	01
Franklin	01
Gasconade	01
Grundy	01
Harrison	01
Henry	01
Howard	01
Howell	01
Jackson	03
Johnson	01
Lafayette	01
Lawrence	01
Lincoln	01
Linn	01
Livingston	01
McDonald	01
Mississippi	01
Moniteau	01
Montgomery	01
Morgan	01
New Madrid	01
Newton	01
Nodaway	01
Osage	01
Pemiscot	01
Perry	01
Pike	01
Platte	01
Polk	01
Ray	01
Ripley	01
St. Charles	03
St. Clair	01
St. Francois	01
St. Louis	03
St. Louis City	01
Ste Genevieve	01
Saline	01
Scott	01
Stoddard	01
Stone	01
Taney	01
Warren	01
Washington	01
Webster	01
Wright	01
Montana—County listing:	
Beaverhead	02
Big Horn	03
Blaine	02
Carbon	02
Carter	01
Chouteau	02
Custer	01
Daniels	03
Dawson	02
Deer Lodge	02
Fallon	01
Fergus	02
Flathead	02
Garfield	02
Glacier	02
Hill	02
Judith Basin	02
Liberty	02
Lincoln	02
McCone	02
Madison	02
Meagher	02
Musselshell	03
Park	02
Phillips	02
Pondera	02
Powder River	01
Prairie	01
Richland	02
Roosevelt	02
Rosebud	02
Sheridan	02
Silver Bow	02
Stillwater	02
Sweet Grass	02
Toole	02
Treasure	03
Valley	02
Wheatland	02
Wibaux	01
Yellowstone	03
Nebraska—County listing:	
Buffalo	01
Cedar	01
Dakota	01
Dawson	01
Knox	01
Richardson	01
Saline	01
Sarpy	01
Seward	01
York	01
Nevada—County listing:	
Clark	03
New Hampshire—County listing:	
Rockingham	02
Strafford	03
New Jersey—County listing:	
Hunterdon	01
Monmouth	03
Ocean	02
Salem	03
Sussex	02
Warren	03
New Mexico—County listing:	
Curry	01
Dona Ana	03
Grant	01
Luna	01
McKinley	01
Otero	01
Quay	01
Roosevelt	01
San Juan	03
San Miguel	01
Taos	01
New York—County listing:	
Allegany	01
Cattaraugus	03
Clinton	03
Dutchess	03
Essex	01
Franklin	01
Herkimer	02
Lewis	01
Livingston	02
Madison	01
Niagara	03
Oneida	03
Ontario	01
Orleans	01
Oswego	02
St. Lawrence	01
Saratoga	02
Schoharie	01
Steuben	03
Sullivan	02
Washington	01
Wyoming	03
Yates	01
North Carolina—County listing:	
Alamance	02
Alexander	01
Anson	01
Ashe	01
Bertie	01
Bladen	01
Brunswick	01
Buncombe	03
Burke	01
Cabarrus	02
Caswell	01
Catawba	01
Chatham	01
Cherokee	01
Cleveland	01
Columbus	01
Craven	03
Edgecombe	01
Franklin	01
Gaston	02
Granville	01
Greene	01
Halifax	01
Harnett	01
Haywood	01
Henderson	01
Hertford	01
Hoke	01
Iredell	02
Jackson	01
Johnston	01
Lee	01
Lenoir	01
Lincoln	01
McDowell	01
Macon	01
Madison	01
Martin	01
Mecklenburg	03
Mitchell	01
Montgomery	01
Nash	02
Northampton	01
Onslow	02
Orange	03
Pasquotank	01
Pender	01
Person	01
Pitt	01
Polk	01
Randolph	01
Richmond	01
Robeson	01
Rockingham	03
Rowan	02
Rutherford	01
Scotland	01
Stanly	01
Surry	01
Transylvania	01
Union	01
Wake	02
Warren	01
Washington	01
Watauga	01
Wayne	02
Wilkes	01
Wilson	03
Yancey	01
North Dakota—County listing:	
Barnes	01
Cass	03
Cavalier	01
Grand Forks	03
Morton	01
Ramsey	01
Richland	01
Walsh	01
Ohio—County listing:	
Athens	02
Belmont	02
Brown	01
Butler	03
Carroll	01
Clermont	02
Greene	01
Guernsey	02

HEALTH MANPOWER SHORTAGE AREAS.—*Podiatric Care*—Continued

County name	Degree of shortage group
Harrison	01
Logan	03
Miami	03
Monroe	01
Morgan	01
Noble	01
Paulding	01
Perry	01
Preble	01
Tuscarawas	01
Warren	03
Washington	02
Williams	01
Oklahoma—County listing:	
Adair	01
Atoka	01
Beckham	01
Blaine	01
Bryan	01
Caddo	01
Canadian	01
Carter	03
Cherokee	01
Choctaw	01
Cleveland	03
Craig	01
Creek	01
Custer	01
Delaware	01
Garfield	01
Garvin	01
Grady	01
Hughes	01
Jackson	01
Kay	03
Kingfisher	01
Kiowa	01
Le Flore	01
Lincoln	01
Logan	01
McClain	01
McCurtain	01
McIntosh	01
Mayes	01
Murry	01
Noble	01
Nowata	01
Okfuskee	01
Oklahoma	03
Okmulgee	03
Osage	01
Ottawa	01
Pawnee	01
Payne	01
Pottawatomie	02
Seminole	01
Sequoyah	01
Stephens	01
Texas	01
Tillman	01
Wagoner	01
Washington	01
Washita	01
Woods	01
Woodward	01
Oregon—County listing:	
Baker	01
Benton	03
Clatsop	01
Columbia	01
Coos	03
Crook	01
Curry	01
Deschutes	01
Douglas	02
Klamath	03
Lane	03
Lincoln	01
Linn	02
Marion	03
Polk	01
Tillamook	01
Umatilla	01
Union	01
Washington	03
Yamhill	01
Pennsylvania—County listing:	
Adams	01
Armstrong	02
Cambria	02
Clarion	01
Fayette	03
Fulton	01
Indiana	02
Jefferson	02
McKean	02
Pike	01
Potter	01
Somerset	03
Tioga	03
Venango	03
Wayne	03
Westmoreland	03
Wyoming	01
South Carolina—County listing:	
Abbeville	01
Aiken	01
Anderson	02
Bamberg	01
Barnwell	01
Beaufort	01
Berkeley	01
Charleston	03
Cherokee	01
Chester	01
Chesterfield	01
Clarendon	01
Colleton	01
Darlington	01
Dillon	01
Dorchester	01
Edgefield	01
Fairfield	01
Georgetown	01
Greenville	03
Greenwood	01
Hampton	01
Horry	01
Jasper	01
Kershaw	01
Lancaster	01
Laurens	01
Lee	01
Lexington	02
Marion	01
Marlboro	01
Newberry	01
Oconee	01
Orangeburg	01
Pickens	01
Richland	03
Saluda	01
Spartanburg	02
Sumter	02
Union	01
Williamsburg	01
York	02
South Dakota—County listing:	
Beadle	01
Brookings	01
Lake	01
Lawrence	01
Meade	01
Roberts	01
Union	01
Tennessee—County listing:	
Anderson	01
Bedford	01
Benton	01
Blount	01
Bradley	01
Campbell	01
Carroll	01
Carter	01
Cheatham	01
Chester	01
Claiborne	01
Cocke	01
Coffee	01
Crockett	01
Cumberland	01
Davidson	02
De Kalb	01
Dickson	01
Dyer	01
Fayette	01
Fentress	01
Franklin	01
Gibson	01
Giles	01
Grainger	01
Greene	01
Grundy	01
Hamblen	01
Hamilton	03
Hardeman	01
Hardin	01
Hawkins	01
Haywood	01
Henderson	01
Henry	01
Hickman	01
Humphreys	01
Jefferson	01
Johnson	01
Lauderdale	01
Lawrence	01
Lincoln	01
Loudon	01
McMinn	01
McNairy	01
Macon	01
Madison	03
Marion	01
Marshall	01
Maury	01
Monroe	01
Montgomery	01
Morgan	01
Obion	01
Overton	01
Polk	01
Putnam	01
Rhea	01
Roane	01
Robertson	01
Rutherford	01
Scott	01
Sevier	01
Shelby	03
Smith	01
Sullivan	02
Sumner	01
Tipton	01
Unicoi	01
Warren	01
Wayne	01
Weakley	01
White	01
Williamson	01
Wilson	01
Texas—County listing:	
Anderson	01
Angelina	01
Atascosa	01
Austin	01
Bastrop	01
Bee	01
Bell	03
Bexar	03
Bosque	01
Bowie	01
Brazoria	02
Brazos	02
Brown	01
Burleson	01
Burnet	01
Caldwell	01
Cameron	02
Cass	01
Cherokee	01
Coleman	01
Collin	03
Colorado	01
Comal	01
Comanche	01
Cooke	01
Coryell	01
Denton	02
Duval	01
Ector	03
Ellis	01
El Paso	03
Erath	01

HEALTH MANPOWER SHORTAGE AREAS.—*Podiatric Care*—Continued

County name	Degree of shortage group
Falls	01
Fannin	01
Fayette	01
Fort Bend	01
Freestone	01
Galveston	03
Gillespie	01
Gonzales	01
Grayson	01
Grimes	01
Guadalupe	01
Hale	01
Hardin	01
Harris	03
Harrison	01
Hays	01
Hill	01
Hockley	01
Hopkins	01
Houston	01
Howard	01
Hunt	01
Hutchinson	01
Jasper	01
Jefferson	03
Jim Wells	01
Johnson	01
Jones	01
Kaufman	01
Lamar	03
Lamb	01
Lampasas	01
Liberty	01
Limestone	01
Lubbock	03
McLennan	03
Matagorda	01
Maverick	01
Medina	01
Milam	01
Montague	01
Montgomery	02
Nacogdoches	03
Navarro	01
Newton	01
Nolan	01
Orange	01
Palo Pinto	01
Panola	01
Parker	01
Pecos	01
Polk	01
Red River	01
Robertson	01
Runnels	01
Rusk	01
San Patricio	01
Shelby	01
Starr	01
Tarrant	03
Taylor	03
Titus	01
Tom Green	03
Travis	03
Tyler	01
Upshur	01
Uvalde	01
Val Verde	01
Van Zandt	01
Walker	03
Waller	01
Washington	01
Webb	01
Wharton	01
Wichita	03
Wilbarger	01
Williamson	01
Wilson	01
Wise	01
Wood	01
Young	01
Utah—County listing:	
Carbon	01
Tooele	01
Vermont—County listing:	
Addison	01
Bennington	01
Chittenden	03
Franklin	01
Lamoille	01
Orange	01
Orleans	01
Rutland	03
Washington	03

HEALTH MANPOWER SHORTAGE AREAS.—*Podiatric Care*—Continued

County name	Degree of shortage group
Franklin	01
Lamoille	01
Orange	01
Orleans	01
Rutland	03
Washington	03

HEALTH MANPOWER SHORTAGE AREAS.—*Pharmacy*

County name	Degree of shortage group
Alabama—County listing:	
Greene	03
St. Clair	03
Washington	03
Wilcox	02
Arkansas—County listing:	
Bradley	03
Lawrence	03
Lincoln	02
Newton	01
Perry	03
Sevier	03
Stone	03
Colorado—County listing:	
Costilla	01
Elbert	01
Florida—County listing:	
Glades	01
Lafayette	01
Liberty	01
Sumter	03
Georgia—County listing:	
Banks	01
Crawford	01
Glascock	01
Quitman	01
Wilkinson	03
Idaho—County listing:	
Boundary	03
Madison	03
Illinois—County listing:	
Clay	03
Marshall	03
Indiana—County listing:	
Crawford	01
Franklin	03
Switzerland	03
Washington	03
Kentucky—County listing:	
Bracken	01
Breathitt	03
Casey	03
Jackson	02
Knott	03
Lewis	02
Pendleton	03
Michigan—County listing:	
Leelanau	03
Minnesota—County listing:	
Aitkin	03
Marshall	03
Mississippi—County listing:	
Benton	01
Missouri—County listing:	
Chariton	03
Harrison	02
Maries	01
Miller	02
Montgomery	03
Reynolds	03
Ripley	03
Scotland	03
Montana—County listing:	
McCone	01
Nevada—County listing:	
Ormsby	01
New Mexico—County listing:	
Catron	01
Mora	01
North Carolina—County listing:	
Currituck	01
Hyde	01

HEALTH MANPOWER SHORTAGE AREAS.—*Pharmacy*—Continued

County name	Degree of shortage group
Oregon—County listing:	
Wheeler	01
Pennsylvania—County listing:	
Fulton	03
South Dakota—County listing:	
Brule	03
Dewey	01
Jerauld	01
Mellette	01
Todd	03
Tennessee—County listing:	
Bledsoe	03
Texas—County listing:	
Burnet	03
Crockett	01
Dimmit	02
Hood	03
Hudspeth	01
Jack	03
Jim Hogg	01
Kinney	01
Lee	03
Lipscomb	01
Refugio	03
Shackelford	01
Throckmorton	01
Zapata	01
Utah—County listing:	
Emery	01
San Juan	02
Virginia—County listing:	
Buckingham	02
Caroline	03
Cumberland	01
Floyd	02
King George	01
Richmond	03
West Virginia—County listing:	
Braxton	02
Clay	01
Gilmer	03
Grant	03
Hampshire	03
Hardy	01
Pendleton	01
Roane	03
Wisconsin—County listing:	
Buffalo	02

HEALTH MANPOWER SHORTAGE AREAS.—*Veterinary care*

County name	Degree of shortage group
Alabama—County listing:	
Bullock	12
Butler	12
Calhoun	12
Cleburne	12
Cullman	12
De Kalb	12
Jackson	12
Lowndes	12
Pike	12
Randolph	12
Wilcox	12
Winston	12
Arizona—County listing:	
Apache	11
Coconino	12
Gila	12
Graham	12
Greenlee	12
Yuma	12
Arkansas—County listing:	
Clay	12
Cleburne	12
Conway	12
Fulton	12
Hempstead	12
Howard	12
Independence	12
Izard	12
Johnson	12

HEALTH MANPOWER SHORTAGE AREAS.—*Veterinary care*—Continued

County name	Degree of shortage group
Lafayette	2
Little River	2
Madison	2
Marion	2
Miller	2
Nevada	2
Newton	2
Pike	2
Polk	2
Scott	2
Sevier	2
Stone	2
Van Buren	2
Washington	2
White	2
Yell	2
California—County listing:	
Fresno	2
Imperial	2
Kings	2
Madera	2
Merced	2
Modoc	2
Colorado—County listing:	
Baca	2
Cheyenne	2
Crowley	2
Kiowa	2
Logan	2
Montrose	1
Washington	2
Delaware—County listing:	
Sussex	2
Florida—County listing:	
Clay	2
Glades	2
Hamilton	2
Hardee	2
Hendry	2
Highlands	2
Indian River	2
Jackson	2
Lafayette	2
Madison	2
Okeechobee	2
Osceola	2
Pasco	2
St. Lucie	2
Sumter	2
Georgia—County listing:	
Atkinson	2
Banks	2
Coffee	2
Colquitt	2
Dawson	2
Murray	1
Newton	2
Pickens	2
Pierce	2
Putnam	2
Wheeler	2
Hawaii—County listing:	
Hawaii	2
Honolulu	2
Idaho—County listing:	
Bear Lake	2
Bingham	2
Blaine	2
Butte	2
Caribou	2
Clark	2
Franklin	2
Gooding	2
Jefferson	2
Oneida	2
Owyhee	2
Power	2
Teton	2
Illinois—County Listing:	
Marion	2
Randolph	2
Indiana—County listing:	
Crawford	2
Greene	2
Owen	2
Pike	2
Spencer	2
Kansas—County listing:	
Atchison	2
Barber	2
Chase	2
Coffey	2
Comanche	2
Doniphan	2
Gove	2
Graham	2
Greeley	2
Greenwood	2
Lane	2
Lincoln	2
Linn	2
Ness	2
Phillips	2
Wallace	2
Woodson	2
Kentucky—County listing:	
Adair	2
Boone	2
Breckinridge	2
Butler	2
Carlisle	2
Casey	2
Clark	2
Clinton	2
Cumberland	2
Edmonson	2
Grayson	2
Green	2
Hardin	2
Hart	2
Henry	2
Hickman	2
Jackson	2
Lincoln	2
Livingston	2
McLean	2
Marion	2
Metcalfe	2
Muhlenberg	1
Ohio	2
Pulaski	2
Trigg	2
Washington	2
Wayne	2
Webster	2
Louisiana—County listing:	
Bienville	1
Cameron	2
Catahoula	2
Claiborne	1
Grant	2
Natchitoches	2
Red River	2
Sabine	2
Vernon	1
Washington	2
Maine—County listing:	
Somerset	2
Maryland—County listing:	
Somerset	2
Worcester	2
Michigan—County listing:	
Delta	2
Iosco	2
Menominee	2
Newaygo	2
Ogemaw	2
Osceola	2
Minnesota—County listing:	
Becker	2
Benton	2
Cass	2
Chicago	2
Houston	2
Isanti	2
Kittson	2
Marshall	2
Morrison	2
Norman	2
Otter Tail	2
Pine	2
Polk	2
Pope	2
Rock	2
Sherburne	2
Todd	2
Mississippi—County listing:	
Amite	2
Attala	2
Benton	2
Calhoun	2
Choctaw	2
Claiborne	2
Covington	2
Holmes	1
Itawamba	2
Jefferson Davis	2
Jones	2
Lawrence	2
Leake	2
Marshall	1
Noxubee	2
Pontotoc	2
Prentiss	2
Rankin	2
Scott	2
Simpson	2
Smith	2
Tate	2
Walthall	2
Yazoo	1
Missouri—County listing:	
Barton	2
Bollinger	2
McDonald	2
Wright	2
Montana—County listing:	
Beaverhead	2
Blaine	2
Carter	2
Chouteau	2
Custer	2
Dawson	2
Garfield	2
Golden Valley	2
Liberty	2
McCone	2
Meagher	2
Musselshell	2
Petroleum	2
Phillips	2
Powder River	2
Prairie	2
Rosebud	2
Treasure	2
Wibaux	2
Nebraska—County listing:	
Banner	2
Blaine	2
Boone	2
Boyd	2
Brown	2
Cedar	2
Cherry	2
Cuming	2
Custer	2
Dixon	2
Franklin	2
Furnas	2
Garden	2
Garfield	2
Greeley	2
Hayes	2
Hitchcock	2
Holt	2
Keya Paha	2
Kimball	2
Knox	2
Logan	2
Loup	2
McPherson	2
Pawnee	2
Perkins	2
Polk	2
Richardson	2
Rock	2
Sarpy	2
Seward	2
Sheridan	2
Sherman	2
Sioux	2
Stanton	2
Wayne	2
Wheeler	2

HEALTH MANPOWER SHORTAGE AREAS.—*Veterinary care*—Continued

County name	Degree of shortage group
Nevada—County listing:	
Churchill	12
Elko	12
Eureka	12
Humboldt	12
Lander	12
Lincoln	12
Pershing	12
White Pine	12
New Mexico—County listing:	
Catron	12
Chaves	12
De Baca	12
Eddy	12
Guadalupe	12
Harding	12
Hidalgo	12
Lea	12
Lincoln	12
McKinley	31
Mora	12
Quay	12
Roosevelt	12
Sierra	12
Socorro	12
Torrance	12
Union	12
New York—County listing:	
Clinton	12
Fulton	31
Livingston	12
St. Lawrence	12
Sullivan	12
North Carolina—County listing:	
Ashe	12
Duplin	12
Montgomery	12
Moore	12
Randolph	12
Stanly	12
North Dakota—County listing:	
Benson	12
Billings	12
Burke	12
Burleigh	12
Cavalier	12
Dickey	12
Divide	12
Dunn	12
Emmons	12
Grant	12
Kidder	12
Logan	12
McHenry	12
McIntosh	12
McKenzie	12
McLean	12
Mercer	12
Morton	12
Mountrail	12
Nelson	12
Oliver	12
Sargent	12
Sheridan	12
Sioux	12
Stark	12
Stutsman	12
Ohio—County listing:	
Adams	12
Gallia	12
Monroe	12
Pike	31
Oklahoma—County listing:	
Adair	12
Atoka	12
Beaver	12
Caddo	12
Cimarron	12
Delaware	12
Ellis	12
Garvin	12
Grant	12
Haskell	12
Jackson	12
Jefferson	12
Johnston	12
Le Flore	12
Love	12
McClain	12
Okfuskee	12
Pittsburg	12
Pushmataha	12
Roger Mills	12
Sequoyah	12
Texas	12
Washita	12
Oregon—County listing:	
Gillian	12
Grant	12
Harney	12
Jefferson	12
Lake	12
Malheur	12
Wheeler	12
Pennsylvania—County listing:	
Fayette	31
Fulton	12
Indiana	31
Lycoming	12
Snyder	12
Warren	31
South Carolina—County listing:	
Chesterfield	31
Greenwood	31
Hampton	31
Newberry	12
Saluda	12
South Dakota—County listing:	
Brookings	12
Brule	12
Buffalo	12
Campbell	12
Charles Mix	12
Clay	12
Corson	12
Custer	12
Day	12
Deuel	12
Dewey	12
Edmunds	12
Faulk	12
Gregory	12
Haakon	12
Harding	12
Hutchinson	12
Hyde	12
Lyman	12
McPherson	12
Marshall	12
Meade	12
Mellette	12
Perkins	12
Roberts	12
Shannon	12
Spink	12
Stanley	12
Sully	12
Todd	12
Tripp	12
Washabaugh	12
Yankton	12
Ziebach	12
Tennessee—County listing:	
Bedford	12
Bledsoe	12
Fentress	12
Giles	12
Greene	12
Grundy	12
Hancock	12
Hickman	12
Jackson	12
McMinn	12
Macon	12
Marshall	12
Meigs	12
Moore	12
Overton	12
Polk	12
Robertson	31
Smith	12
Trousdale	12
Warren	12
Wayne	12
Texas—County listing:	
Anderson	12
Andrews	12
Armstrong	12
Austin	12
Baylor	12
Bosque	12
Brewster	12
Brooks	12
Burnet	12
Callahan	12
Castro	12
Cherokee	12
Childress	12
Clay	12
Cochran	12
Coleman	12
Collingsworth	12
Colorado	12
Comanche	12
Concho	12
Crockett	12
Culberson	12
DeafSmith	12
Delta	12
Dimmit	12
Duval	12
Edwards	12
Foard	12
Freestone	12
Gaines	12
Gillespie	12
Goliad	12
Gonzales	12
Hall	12
Hamilton	12
Haskell	12
Hemphill	12
Hill	12
Hopkins	12
Houston	12
Hudspeth	12
Jack	12
JeffDavis	12
JimHogg	12
JimWells	12
Jones	12
Karnes	12
Kenedy	12
Kent	12
King	12
Kinney	12
Lampasas	12
LaSalle	12
Lavaca	12
Lee	12
Llano	12
McMullen	12
Maverick	12
Menard	12
Mills	12
Motley	12
Nacogdoches	12
Navarro	12
Ochiltree	12
Oldham	12
PaloPinto	12
Panola	12
Parmer	12
Pecos	12
Rains	12
Reagan	12
RedRiver	12
Rusk	12
Sabine	12
SanAugustine	12
SanSaba	12
Shelby	12
Starr	12
Stonewall	12
Swisher	12
Terrell	12
Throckmorton	12
Webb	12
Zapata	12
Zavala	12
Utah—County listing:	
Beaver	12
Box Elder	12
Duchesne	12

HEALTH MANPOWER SHORTAGE AREAS.—
Veterinary care—Continued

County name	Degree of shortage group
Emery	[1]2
Garfield	[1]2
Iron	[1]2
Juab	[1]2
Millard	[1]2
Rich	[1]2
Sevier	[1]2
Uintah	[1]2
Washington	[1]2
Wayne	[1]2
Vermont—County listing:	
Essex	[1]2
Grand Isle	[1]2
Orleans	[1]2
Virginia—County listing:	
Bland	[1]2
Carroll	[1]2
Floyd	[1]2
Lee	[3]1
Louisa	[3]1
Madison	[1]2
Pittsylvania	[1]2
Scott	[3]1
Wise	[1]2
Wythe	[1]2
Washington—County listing:	
Okanogan	[1]2
Stevens	[1]2
West Virginia—County listing:	
Grant	[1]2
Pocahontas	[1]2
Wisconsin—County listing:	
Adams	[1]2
Bayfield	[1]2
Buffalo	[1]2
Clark	[1]2
Door	[3]1
Eau Claire	[1]2
Fond Du Lac	[1]2
Iowa	[1]2
Jackson	[1]2
Juneau	[1]2
Kewaunee	[3]1
Lafayette	[1]2
Langlade	[3]1
Lincoln	[1]2
Marathon	[1]2
Marquette	[1]2
Portage	[1]2
Price	[1]2
Richland	[1]2
Rusk	[1]2
St. Croix	[1]2
Sawyer	[1]2
Shawano	[1]2
Taylor	[1]2
Washburn	[1]2
Waushara	[1]2
Winnebago	[1]2
Wyoming—County listing:	
Big Horn	[1]2
Campbell	[1]2
Carbon	[1]2
Converse	[1]2
Crook	[1]2
Hot Springs	[1]2
Lincoln	[1]2
Niobrara	[1]2
Platte	[1]2
Uinta	[1]2
Weston	[1]2

[1] Food animal veterinarian shortage area.
[2] Companion animal veterinarian shortage area.
[3] Food and companion animal yeterinarian shortage area.

[FR Doc. 78-19285 Filed 7-14-78; 8:45 am]

federal register

MONDAY, JULY 17, 1978
PART III



FEDERAL HOME LOAN BANK BOARD

■

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Reduction and Simplification of Regulations

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 542, 543, 544, 545, 546, 547, 548, 549, 551, 552, 555, 556]

[No. 78-390]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Reduction and Simplification of Regulations

JULY 6, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rules.

SUMMARY: These proposed amendments would shorten and simplify the Rules and Regulations for the Federal Savings and Loan System As described below, unnecessary provisions would be removed and other provisions would be updated. Otherwise, the proposed amendments are not intended to change the effect of the revised sections, but only to clarify them and remove unnecessary words.

COMMENTS MUST BE RECEIVED BY: September 13, 1978.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments are available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 202-377-6440 at the above address.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board proposes changes to 12 CFR Parts 541-551, 552, 555, and 556 to reduce and clarify the language of those regulations. Except as described below, the amendments are not intended to change the meaning or effect of the amended provisions. Proposed substantive changes are as follows:

(1) Proposed § 541.1 would make definitions used in the Regulations for the Federal Home Loan Bank System (12 CFR Parts 521-532) applicable to the Rules and Regulations for the Federal Savings and Loan System ("the Federal regulations"), unless the Federal Regulations include a different definition.

(2) Proposed § 541.1-1 would define "act" to mean the Home Owners' Loan Act of 1933, as amended.

(3) Definitions of various types of loans in § 541.14 would be deleted, and those loans would be described in the provisions which authorize Federal associations to make them.

(4) Definitions of Principal Supervisory Agent and Supervisory Agent would be included in Part 541 to permit deletion of definitions of those terms repeated throughout the Federal regulations.

(5) Section 542.1 would be deleted because it provides an unnecessary cross reference to provisions in the Rules and Regulations for Insurance of Accounts, 12 CFR Parts 561-571, ("the Insurance Regulations").

(6) Approved Charter amendments (e) and (f) in present § 544.8 would be combined into proposed § 544.2(d) to enable an association to obtain full authorized borrowing authority by adopting a single amendment.

(7) Present § 544.2 would be deleted because it appears superfluous.

(8) References to Charters E and K in § 544.3 and throughout the Federal regulations would be deleted because Federal associations no longer have those Charters.

(9) Present § 545.1(b) would be deleted because it appears unnecessary to state that particular provisions of the Insurance Regulations apply to Federal associations when all such provisions so apply.

(10) In § 545.1-2(b)(1) the provisions regarding exchange of savings deposits on a date other than a regular distribution date and rights to receive a savings account which are outstanding when a Federal association becomes a deposit association would be deleted because they appear unnecessary.

(11) The prohibition in present § 545.1-4(c) against issuance of a fixed-term savings deposit subject to redemption would be deleted from proposed § 545.1-3(c). Because any means of avoiding withdrawal penalties is prohibited, this special prohibition appears unnecessary.

(12) The provision in present § 545.1-4(f)(3) that a depositor cannot withdraw any portion of a fixed-term savings account before the term expires, except under emergency conditions, would be made applicable under proposed § 545.4(a) to all certificate accounts. This change would be consistent with presently approved certificate forms.

(13) Present § 545.1-5(i) would be deleted because paragraph (1) thereof would be included in § 545.1-2(e) and paragraph (2) appears unnecessary.

(14) The provisions in §§ 545.3-1(c)(6) and 545.1-4(f)(4) that a Federal association need not penalize early withdrawal from a savings account after the death of the owner of the account would be amended in proposed § 545.4(a)(4) to prohibit imposition of a penalty in such circumstances. The Board believes the change would provide more equitable treatment of all savers in like circumstances.

(15) The requirement in § 545.6-1 that members of an association approve loans above specified limits would be deleted and maximum limits would be applicable without action by the members.

(16) The provision in § 545.6-4 specifically making Part 563 of the Insurance Regulations applicable to Federal associations would be deleted because Federal associations are subject to the requirements of all the Insurance Regulations.

(17) The unnecessary cross reference to the Insurance Regulations is § 545.6-5(a) would be deleted from proposed § 545.8-1.

(18) Proposed § 545.8-7 (present § 545.6-7) would permit separate release from respective percentage-limitation categories when a loan on a single-family or two-family dwelling or a cooperative housing project is reduced below 90 percent of value and below 80 percent of value respectively.

(19) The unnecessary cross reference to the Insurance Regulations in present § 545.6-7(f) would be deleted from proposed § 545.8-7.

(20) The language in present § 545.6-16 making investment in housing facilities for the aging subject to the definitions in § 541.12 would be deleted from proposed § 545.6-7 because the definitions are applicable to all sections of the Federal Regulations.

(21) Section 545.9-1(j) would be deleted because it appears unnecessary to continue to specify that approval of service corporation investment given before 1970 continues to be effective.

(22) The cross reference to § 563.9(a) in present § 545.11(f) would be changed in proposed § 545.8-4(f) to refer to §§ 563.9 and 563.9-1 to agree with present designations of nationwide loan provisions adopted after § 545.11(f) was adopted.

(23) Present § 545.12 and the first sentence of § 545.19 would be deleted because they unnecessarily repeat provisions of the Insurance Regulations.

(24) Present § 550.7 would be deleted because it was made superfluous when Part 566 of the Insurance Regulations was specifically made applicable to Federal associations.

(25) The provision in § 552.8(b) that "for the purpose of § 545.3-1(b)" (proposed §§ 545.1-1(a), (e), and (f)), "a Charter S shall be deemed to include the provisions set forth in paragraph (c) of § 544.6(e)" would be deleted. It does not appear that the specified bylaw relating to bonus accounts is applicable to accounts of the type described in proposed §§ 545.1-1(a), (e), and (f).

(26) The reference in § 556.6 to the maximum loan amount under § 545.6-11(b) and (c) (present § 545.8) would be changed from $3,500 to $15,000 to conform to the maximum amount presently provided in § 545.8.

(27) Proposed § 555.8(d) would clarify that the prohibition of sale of merchandise by a Federal association in present § 555.8(f) prohibits only sales that are not connected with a savings-promotion campaign.

(28) The extensive explanation of the principles of interpretation used by the Board in formulating its ruling in § 555.8(b) would be deleted as superfluous.

(29) The history of Board action and the findings which led to its Ruling regarding usurpation of corporate opportunity to engage in the insurance business would be deleted from § 555.17 because the Board believes the omitted information is not necessary for understanding the Ruling.

(30) Section 556.1, which states Board policy regarding release of savings accounts pledged in connection with application for a branch office or mobile facility, would be deleted. No such pledges were required after June 30, 1972, and the Board believes specific regulatory provision for their release is no longer necessary.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464). Reorg. Plan No. 3 of 1947, 12 Fr 4981; 3 CFR, 1943-48 Comp., p. 1071.)

It is proposed to revise Part 541 as follows:

PART 541—DEFINITIONS

Sec.
541.1 General.
541.1-1 Act.
541.2 Federal association.
541.3 Capital.
541.4 Savings account.
541.5 Short-term savings account.
541.6 Withdrawal value of a savings account.
541.7 General reserves.
541.8 Surplus.
541.8-1 Net worth.
541.9 Loans secured by first liens.
541.10 Single-family dwelling.
541.10-1 Dwelling unit.
541.10-2 Home.
541.10-3 Other dwelling unit.
541.10-4 Cooperative housing project.
541.10-5 Two-family dwelling.
541.11 Combination of dwelling units, including homes, and business property involving only minor or incidental business use.
541.12 Other improved real estate.
541.13 Improved real estate.
541.14 Insured loan.
541.15 Guaranteed loan.
541.16 Principal Supervisory Agent.
541.17 Supervisory Agent.
541.18 Director.

AUTHORITY: Sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR, 1943-48 Comp., p. 1071

§ 541.1 General.

Unless another definition is provided in this Part, definitions in Part 521 of this chapter apply.

§ 541.1-1 Act.

The Home Owners' Loan Act of 1933, as amended.

§ 541.2 Federal association.

A savings and loan association chartered by the Board under section 5 of the act and, except as the Board may otherwise provide, any building and loan, savings and loan, building, or homestead association, organized or incorporated under the laws of the District of Columbia.

§ 541.3 Capital.

The aggregate withdrawal value of savings accounts in a Federal mutual association.

§ 541.4 Savings account.

The withdrawal value of the holder's monetary interest in the capital of a Federal mutual association.

§ 541.5 Short-term savings account.

A savings account which will be withdrawn in less than 24 months or was established to accumulate funds to pay taxes or insurance premiums on real estate securing a loan.

541.6 Withdrawal value of a savings account.

The amount paid on a savings account plus earnings credited thereto, less lawful deductions therefrom.

§ 541.7 General reserves.

Aggregate reserves established solely to meet losses.

§ 541.8 Surplus.

Undistributed earnings held as unallocated reserves for general corporate use.

§ 541.8-1 Net worth.

The sum of general reserves, surplus, capital stock, and any other account designated as part of net worth under this subchapter.

§ 541.9 Loans secured by first liens.

(a) Loans secured by an interest in real estate in fee or in a leasehold or subleasehold extending or renewable automatically or at the option of the holder or the Federal association for 10 years after maturity of the loan, if, in the event of default, the real estate could be used to satisfy the obligation with the same priority as a first mortgage or a first deed of trust in the jurisdiction where the real estate is located; and

(b) Loans secured by assignment of such loans.

§ 541.10 Single-family dwelling.

A structure designed for residential use by one family or a unit so designed, whose owner owns an undivided interest in the underlying real estate, including property owned in common with others which contributes to the use and enjoyment of the structure or unit.

§ 541.10-1 Dwelling unit.

A unified combination of rooms designed for residential use by one family, and not a single-family dwelling.

§ 541.10-2 Home.

Real estate comprising a single family dwelling(s) or a dwelling unit(s) for 4 or less families in the aggregate.

§ 541.10-3 Other dwelling unit.

Real estate which comprises:

(a) A structure(s) primarily comprising single family dwellings or dwelling units for more than four families in the aggregate; or

(b) A structure(s), or parts thereof, designed or used (1) as fraternity or sorority houses which include sleeping accommodations for students of a college or university or (2) principally for living accommodations for students, employees, or staff of a college, university, or hospital.

§ 541.10-4 Cooperative housing project.

Real estate primarily comprising dwelling units for more than four families in the aggregate, owned by a nonprofit organization whose members certify that they in good faith intend to occupy the project as their principal dwelling.

§ 541.10-5 Two-family dwelling.

A structure designed for two dwelling units.

§ 541.11 Combination of home and business property.

A home used in part for business.

§ 541.11-1 Combination of dwelling units, including homes, and business property involving only minor or incidental business use.

Real estate which comprises other dwelling units (and may comprise homes) and business property, if no more than 20 percent of the total value of the real estate is attributable to business use.

§ 541.12 Other improved real estate.

(a) Real estate other than that defined in §§ 541.10, 541.10-1, 541.10-2, 541.10-3, 541.10-4, 541.11, or § 541.11-1 with (1) a permanent structure(s) constituting at least 25 percent of its value; or (2) improvements which make it usable by a business or industrial enterprise;

(b) Building lots or sites with installations and improvements, completed according to governmental requirements and general practice in the community, sufficient to make each lot or site ready for construction thereon of a structure designed for residential use by one family; or

(c) Real estate used, or to be used within a reasonable time, for commercial farming, excluding hobby and vacation property.

§ 541.13 Improved real estate.

Real estate which is, or from proceeds of a loan will become, any of the real estate defined in §§ 541.10-2, 541.10-3, 541.11, 541.11-1, or 541.12.

§ 541.14 Insured loan.

A loan as to which the mortgagee is insured, or as to which a commitment for such insurance has been made under the National Housing Act or the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as amended.

§ 541.15 Guaranteed loan.

A loan guaranteed or as to which a commitment to guarantee has been made under the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as amended.

§ 541.16 Principal Supervisory Agent.

The President of the Bank of the district in which a Federal association is, or will be, located or any other person designated in writing as Principal Supervisory Agent by the Board to serve as such for such term and under such conditions as may be specified.

§ 541.17 Supervisory Agent.

The Principal Supervisory Agent or any other officer or employee of the Bank designated under §§ 501.10 or 501.11 of this chapter.

§ 541.18 Director.

The Director or Deputy Director, Office of Examinations and Supervision.

PART 542 [DELETED]

It is proposed to delete Part 542, effective ( ).

It is proposed to amend Part 543 as follows:

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION

Sec.

543.1 Corporate title.

ORGANIZATION

543.2 Application for permission to organize.
543.3 Subscription to capital.
543.4 Petition for charter.
543.5 Issuance of charter.
543.6 Completion of organization.
543.7 Limitations on transaction of business.
543.7-1 Federal association proposed by Federal Savings and Loan Insurance Corporation.

CONVERSION

543.8 Eligibility.
543.9 Preliminary application.
543.10 Approval by members.
543.11 Formal application.
543.12 Organization after conversion.

AUTHORITY: Sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR 1943-48 Comp., p. 1071.

§ 543.1 Corporate title.

(a) A Federal association's title shall include the words "Federal Savings and Loan Association" preceded by suitable descriptive words, and may be followed by words indicating location, including a State or regional name immediately preceded by the name of the locality of the association's home office. State or regional names may be used elsewhere in the title if the applicant clearly demonstrates, and the Board finds, that such use is justified. A Federal association shall not adopt or change to a title which will result in unfair competition or public confusion, or be deceptive, scandalous, or otherwise unsuitable.

(b) *Title change.* (1) *Filing, notice, and protest.* Applications containing a factual statement justifying the proposed change shall be filed with the Supervisory Agent, with a copy to the Director of the Board's Office of Industry Development. The Supervisory Agent shall determine whether there are similarly named institutions in the same or any contiguous State, and promptly notify them of the application. Processing, notice, and protest procedures shall accord with the Board's branch-office application procedures, except that the closing date for any protest shall be determined by using the date of the notice relied upon by a protestant. The Principal Supervisory Agent may exclude from consideration protests which are not timely or do not specify (i) harm expected to result from approval and (ii) reasons why approval should be denied.

(2) *Decision.* The Principal Supervisory Agent may approve an unprotested application (or application subject only to nonspecific protest(s)) and corresponding request for charter amendment, and shall forward for Board decision applications which (i) he believes warrant disapproval, (ii) are protested, or (iii) use a State or regional name not immediately preceded by the applicant's home-office locality.

ORGANIZATION

§ 543.2 Application for permission to organize.

(a) *General.* Questions regarding this section shall be directed to the Supervisory Agent. Recommendations by Supervisory Agents and officers and employees of the Board regarding application for permission to organize a Federal association are privileged, confidential, and subject to § 505.6 of this chapter.

(b) *Form; supporting information.* To apply for permission to organize a Federal association, Board-approved application forms and instructions as to their submission may be obtained from the Supervisory Agent. An application shall be executed by at least 7 persons residing in the community to be served by the proposed association (the "applicants") and submitted, with all required supporting information, in quadruplicate, to the Supervisory Agent. The application shall show: (1) Applicants are citizens of the United States of good character and responsibility; (2) the community to be served needs the proposed association; (3) the association has a reasonable probability of success; and (4) it can be established without undue injury to properly conducted existing local thrift and home-financing institutions.

(c) *Amendment of application; additional information.* Applicants may amend the application or file additional information in support of it until directed by the Supervisory Agent to publish notice under paragraph (d) of this section; thereafter they may amend the application or file additional supporting information only as requested by the Supervisory Agent or the Board.

(d) *Processing of application; public notice; inspection.* (1) After the Supervisory Agent determines that the application is complete, he shall direct the applicants, in writing, to publish within 15 days thereafter, in a newspaper printed in the English language and having general circulation in the community to be served by the proposed association, a notice in the following form:

NOTICE OF FILING OF APPLICATION FOR PERMISSION TO ORGANIZE A FEDERAL SAVINGS AND LOAN ASSOCIATION

Notice is hereby given that, under § 543.2 of the Rules and Regulations for the Federal Savings and Loan System (Fill in names of applicants) ———— have filed an application with the Federal Home Loan Bank Board for permission to organize a Federal savings and loan association to be located at, or in the immediate vicinity of (Street address) ———— (City) ———— (State) ————. ————

The application has been delivered to the office of the Supervisory Agent of the Board, located at the Federal Home Loan Bank of (City) ———— (Street address) ————.

Any person may file communications, including briefs, in favor or protest of the application at that office within 10 days (or 30 days if additional time is requested within 10 days) after the date of this publication. Four copies of any communication should be filed. The application and all communications so filed will be available for inspection by any person at that office.

(2) Promptly after publication, the applicants shall transmit to the Supervisory Agent two copies of (i) the notice and (ii) a publisher's affidavit of publication.

(3) Within 15 days after the last date for filing communications in accordance with the notice prescribed in paragraph (1), the applicants may file

information relevant to any communication protesting the application. Information regarding an application shall be submitted only as provided in this section or as may be requested by the Supervisory Agent or the Board. Four copies of any communication or information filed under this paragraph shall be furnished.

(4) The application and the fact that it has been filed shall be held confidential until the applicants are directed to publish notice. Thereafter the application and communications in favor or protest thereof may be inspected by any person in the Supervisory Agent's office during regular working hours.

(e) *Oral argument.* (1) *General.* Oral argument on the merits of an application shall be heard if the applicants or a person who has filed a timely communication in protest of the application so requests and the request is received by the Supervisory Agent within 10 days after the time for filing such communications of protest has expired. Such oral argument shall also be heard if the Supervisory Agent, after reviewing the application and other pertinent information, considers it desirable. The Supervisory Agent shall mail notice of the time (within 10 days of such mailing) and place of any such oral argument to the applicants and persons who filed communications in favor or protest of the application.

(2) *Procedure.* The Supervisory Agent, or any other person designated by the Board, may hear oral arguments and determine all matters relating to the conduct thereof. Such arguments may be made in person or by authorized representatives, but should be based on written information previously filed regarding the application. A reasonable time shall be allowed for oral argument; at least 1 hour for arguments in favor and 1 hour for arguments in opposition to the application shall be allowed, unless waived. A transcript of any oral argument shall be made and included in the application file.

(f) *Approval.* The Board shall make all decisions on applications, and, shall condition issuance of any charter on the following: (1) A minimum number of subscribers to the association's capital; (2) a minimum amount of capital to be paid into the association's accounts on issuance of the charter; and (3) satisfaction of any other requirement the Board may impose. Approval of an application does not obligate the Board to issue a charter.

§ 543.3 Subscription to capital.

When the Board approves an application for permission to organize a Federal association, the applicants shall constitute the organization committee and elect a chairperson, vice-chairperson, and secretary, who shall act as the temporary officers of the association until their successors are duly elected and qualified. The temporary officers may effect compliance with any conditions prescribed by the Board, including securing subscriptions to the association's capital in the following form (referred to in this part as "subscription to capital"):

(City) ————, (State) ————
———— (Date) ———— Federal Home Loan Bank Board, Washington, D.C.

Having been given permission to organize a Federal association, theundersigned hereby subscribe for the amount of capital indicated below, and contract to pay into a savings account, upon issuance of a charter, the amount of cash stated opposite their respective names. We agree to cooperate in developing such an association for promotion of local savings and home-financing:

(Name) ———— (Address) ————

(Amount of capital to be paid in cash upon issuance of charter) ————.

§ 543.4 Petition for charter.

(a) *Form.* When the required number of persons have subscribed for the required amount of capital and agreed to pay such amount in cash when the Board issues a charter, and when any other conditions prescribed by the Board have been met, the temporary officers shall sign a petition to the Board requesting it to issue a charter under a name chosen by the petitioners or the Board. The petition shall state that (1) the applicants have complied in all respects with the act and these rules and regulations regarding organization of a Federal association; (2) the applicants have incurred no expense in forming the association which is chargeable to it, and no such expense will be incurred; (3) no money will be collected on account of the association before the Board issues its charter; (4) an organization committee has been created (naming the committee and its officers); and (5) that committee will organize the association when the Board issues its charter and will serve as temporary officers of the association until officers are elected by the association's board of directors under § 543.6.

(b) *Filing.* The petition for charter and evidence of compliance with conditions prescribed by the Board, including the original and a copy of subscriptions to capital, shall be submitted in duplicate to the Board through the Bank of the district in which the association is to be located.

§ 543.5 Issuance of charter.

Thereafter, the Board will issue or deny a charter, and its action shall be final. Issuance will be in accordance with § 544.1 of this subchapter.

§ 543.6 Completion of organization.

(a) *Organization meeting.* Promptly upon receipt of a charter, the temporary officers shall call a meeting of the association's capital subscribers; notice of such meeting shall be mailed to each subscriber at least 5 days before the meeting day. Subscribers who have subscribed for a majority of the association's capital, present in person or by proxy, shall constitute a quorum. At such meeting directors of the association shall be elected according to the association's charter and bylaws, and any other action permitted by such charter and bylaws may be taken; any such action shall be considered an acceptance by the association of such charter and bylaws, which shall be in the form provided in § 544.5 of this subchapter.

(b) *First meeting of directors.* Upon election, the association's board of directors shall hold a meeting to elect officers of the association as provided by its charter and bylaws and to take other action necessary to permit operation of the association in accordance with section 5 of the act, the association's charter and bylaws, and these rules and regulations. When such officers have been bonded under § 563.19 of this chapter, they shall immediately collect the sums due on subscriptions to the association's capital.

(c) *Membership in Federal Home Loan Bank and Insurance of accounts.* When a Federal association's charter is issued it must promptly qualify as a member and meet all requirements necessary to obtaion insurance of its accounts by the Federal Savings and Loan Insurance Corporation.

(d) *Failure to complete.* Organization of a Federal association is completed when the organization meeting and the first meeting of its directors have been held, permanent officers have been bonded, the association holds the cash required to be paid on subscriptions to its capital, and any additional requirement imposed by the Board has been met. If organization is not so completed within six months after issuance of a charter, or within such additional period as the Board may for good cause grant, the charter shall become void and all cash collected on subscriptions shall thereupon be returned.

§ 543.7 Limitations on transaction of business.

No person may organize a Federal association, collect money from others for such purpose, or represent himself as authorized to do so, and no Federal association shall transact any business prior to completion of its organization, except as provided in this Part.

§ 543.7-1 Federal association proposed by Federal Savings and Loan Insurance Corporation.

The preceding sections of this Part do not apply to a Federal association

which is proposed by the Federal Savings and Loan Insurance Corporation under section 406 of the National Housing Act, as amended. Incorporation and organization of such associations are complete when the Board so determines.

CONVERSION

§ 543.8 Eligibility.

Any member may, on such conditions as the Board may prescribe, convert itself into a Federal association, if 51 percent of the votes cast at a meeting called to consider such conversion are in favor thereof and it complies with all laws of its jurisdiction expressly providing for such conversions and with these rules and regulations.

§ 543.9 Preliminary application.

(a) *Filing.* Any member desiring to convert itself into a Federal association shall, after approval by its board of directors, file an application in duplicate through its Bank on forms obtained from its Bank or the Board. A non-member institution which is eligible to apply for membership may likewise file such an application, simultaneously with its application for membership, through the Bank of which it proposes to become a member. The applicant shall submit any financial statements or other information the Board may require and pay all costs, determined by the Board, of the Board's consideration of the application. The applicant shall also submit with its application a plan of conversion, specifying the location of the home office and any branch offices to be maintained by the Federal association and providing for (1) appropriate reserves and surplus for the Federal association, (2) satisfaction in full or assumption by the Federal association of all creditor obligations of the applicant, and (3) issuance by the Federal association of its savings accounts to holders of withdrawable accounts and nonwithdrawable capital stock of the applicant in an amount equalling the value of their accounts, including the present value of any preferences to which such holders are entitled, or of their nonwithdrawable capital stock.

(b) *Board action.* The Board will consider such preliminary application and any information submitted therewith and approve, conditionally approve, or disapprove the application.

§ 543.10 Approval by members.

After the Board approves a preliminary application for conversion into a Federal association, the applicant shall promptly proceed to (a) comply with all conditions prescribed in the approval, (b) obtain the vote of its members which section 5(i) of the Act requires and any such vote which may be required by laws of the applicant's jurisdiction providing for such conversions, and (c) comply with all other legal requirements. The Board may cancel its approval of such a preliminary application if the applicant does not promptly obtain such approval of its members.

§ 543.11 Formal application.

(a) *Filing.* On approval by its members of the plan of conversion, as provided in § 543.10, the applicant may obtain from the Board or any Bank conversion application forms which it shall file in duplicate with the Board through the Bank of which the applicant is or proposes to become a member. With the application shall be submitted evidence satisfactory to the Board showing compliance by the applicant with all conditions imposed by the Board when it approved the applicant's preliminary application and, unless the applicant is an insured institution, formal application for insurance of accounts.

(b) *Issuance of charter.* A formal application for conversion will be approved only if the applicant has been approved for Bank membership. When the Board approves such an application it will issue a charter, as provided in § 544.1 of this subchapter. When the charter is issued and all relevant requirements of any laws providing for such conversions are met, conversion is completed.

§ 543.12 Organization after conversion.

After a Federal charter is issued under § 543.11, the association's members shall, after due notice, or upon a valid adjournment of a previous legal meeting, hold a meeting to elect directors and take all other action necessary fully to effect the conversion and operate the association in accordance with law and these rules and regulations. Immediately thereafter the board of directors shall meet, elect officers, and transact any other appropriate business.

PART 544—CHARTER AND BYLAWS

In Part 544, it is proposed to amend the following sections:

1. In § 544.1 revise the introductory text of paragraph (a) and amend paragraph (b) as set forth below:

CHARTER

§ 544.1 Issuance of charter.

(a) *Charter N.* Except as provided in paragraph (b) of this section, when the Board approves a petition for a charter for a Federal association under section 5(a) or section 5(i) of the Act, it shall issue a charter in the following form, known as Charter N:

CHARTER N

1. *Corporate title.* * * *

* * * * *

(b) *Charter K (rev.).* If expressly requested in the Petition for Charter, or in the Application for Conversion into a Federal assoication, the Board will issue, in lieu of Charter N, a Charter K (rev.). The form of Charter K (rev.) is the same as the form of Charter N, except that the heading states "Charter K (Rev.)" instead of "Charter N" and, in lieu of the provision in Charter N designated "6. *Withdrawals*", the following provision in substituted:

* * * * *

6. *Withdrawals.* The association shall have the right to pay the withdrawal value of its savings acccounts at any time upon application therefore and to pay the holders thereof the withdrawal value thereof. Upon receipt of a written request from any holder of a saving account of the association for the withdrawal from such account of all or any part of the withdrawal value thereof, the assoication shall within 30 days pay the amount requested; *Provided,* That if the association is unable to pay all withdrawals requested at the end of 30 days from the date of such requests, it shall then proceed in the following manner while any withdrawal request remain unpaid for more than 30 days:

Withdrawal requests shall be paid in the order received and if any holder of a savings account or accounts has requested the withdrawal of more than $1,000, he shall be paid $1,000 in order when reached and his withdrawal request shall be charged with such amount as paid and shall be renumbered and placed at the end of the list of withdrawal requests, and thereafter, upon again being reached, shall be paid a like amount, but not exceeding the withdrawal value of his savings account, and until such withdrawal request shall have been paid in full, shall continue to be so paid, renumbered, and replaced at the end of the withdrawal requests on file: *Provided,* That when any such request is reached for payment, the association shall so advise the holder of such savings account by registered mail to his last address as recorded on the books of the association and, unless such holder shall apply in person or in writing for the payment of such withdrawal request within 30 days from the date of the mailing of such notice, no payment on account of such withdrawal request shall be made and such request shall be cancelled: *And provided further,* That the board of directors shall have absolute right to pay on an equitable basis an amount not exceeding $200 to any holder of a savings account or accounts in any calendar month and without regard to any other provision of this section.

When the association is unable to pay all withdrawal requests within a period not exceeding 30 days from the date of receipt of written request therefor it shall allot to the payment of such requests the remainder of the association's receipts from all sources after deducting from total receipts appropriate amounts for expenses, required payments on indebtedness, earnings distributable in cash to holders of savings accounts, and a fund for general corporate purposes equivalent to not more than 20 percent of the association's receipts from holders of its savings accounts and from its borrowers. Holders of savings accounts for which application for withdrawal has been made shall remain holders of savings accounts until paid and shall not become creditors.

2. It is proposed to revise §§ 544.2 through 544.4 as follows:

§ 544.2 Amendment of charter.

This section constitutes approval by the Board of any of the following amendments to the charter of a Federal mutual association:

(a) *Withdrawals.* Add the following as the first sentence of section 6, following the section title "*Withdrawals*": "Each withdrawal from a savings account shall be governed by this section except to the extent that a member's account book or other written evidence of the members savings account contains additional requirements in accordance with regulations made by the Federal Home Loan Bank Board."

(b) *Reserves.* (1) Delete from section 10 the following: "If and whenever the general reserves ofthe association are not equal to at least 10 percent of its capital, it shall, as of June 30 and December 31 of each year, credit to such reserves an amount equivalent to at least 5 percent of its net earnings for the 6 months' period, or such amount as may be required by the Federal Savings and Loan Insurance Corporation, whichever is greater, until such reserves are equal to at least 10 percent of the association's capital.

(2) Such sentence shall be deleted from any charter hereafter issued to a Federal mutual association.

(c) *Member's eligibility to vote.* Revise the eight, ninth, and tenth sentences of section 4 to read as follows:

The members who shall be entitled to vote at any meeting of the members shall be those owning savings accounts and borrowing members of record on the books of the association at a date set by the board of directors not less than 20 days and not more than 50 days prior to the date of such meeting. The number of votes which each member shall be entitled to cast at any meeting of the members shall be determined from the books of the association as of such record date. Any member at such record date who ceases to be a member prior to such meeting shall not be entitled to vote thereat.

(d) *Borrowing powers.* (1) Revise section 9 to read as follows:

9. *Power to borrow.* The association may borrow money in an aggregate amount not exceeding one-half of its capital; the amount which may be borrowed from sources other than a Federal Home Loan Bank or a State-chartered central reserve institution under § 545.24a of the Rules and Regulations for the Federal Savings and Loan System shall not exceed one-tenth of such capital and an additional amount not exceeding one-twentieth of such capital through issuance of mortgage-backed bonds pursuant to § 563.8-2 of the Rules and Regulations for Insurance of Accounts of the Federal Savings and Loan Insurance Corporation. Notwithstanding the foregoing limitation, the association may, with prior approval by the Board, borrow from a Federal Home Loan Bank or from any Federal agency or instrumentality without limitation, upon such terms and conditions as may be required by such Bank or agency. The association may pledge and otherwise encumber any of its assets to secure its debts.

(e) *Members' maximum number of votes.* Revise the fourth sentence of section 4 to read as follows: "No member, however, shall cast more than 400 votes."

(f) *Acceptance of savings deposits.* Add at the end of section 3:

Notwithstanding and without regard to any other provisions of this charter, the association may raise capital in the form of such savings deposits or other accounts as are authorized by regulations made by the Board, and the holders of such deposits or accounts shall, to such extent as may be provided by such regulations, be members of the association and shall have such voting rights and such other rights as are thereby provided, and it may, to such extent as said Board may authorize by regulation or by other action authorized by or under Federal statute, exercise any authority to borrow money, to give security, or to issue notes, bonds, debentures, or other obligations, or other securities, provided by or under any provision of Federal statute as from time to time in effect.

The Board may, in its discretion, include the provision in any Charter N or Charter K (rev.) hereafter issued.

§ 544.3 Adoption of Charter K (rev.) by a Charter N Federal association.

If the board of directors of a Charter N association proposes to amend its charter to read in the form of Charter K (rev.), the charter may be so amended by a majority vote of members present at any duly called regular or special meeting of members. After such vote, the association shall submit the following petition to the Board which will issue a Charter K (rev.) in the same name and showing the same location of home office shown in the association's present charter, unless the Board when petitioned approves a change in such name or location:

FEDERAL HOME LOAN BANK BOARD,
WASHINGTON, D.C.

The undersigned, under § 544.3 of the rules and regulations for the Federal Savings and Loan System, petitions the Board to issue to it an amended charter in the form of Charter K (rev.), fixing the name and home office of the undersigned which its present charter prescribes.

The undersigned, by its secretary, hereby certifies that the members, at a meeting duly called and held, adopted the following resolution:

Be it resolved, That the present charter of this association be amended to read in the form of Charter K (rev.) as prescribed in § 544.1 of the rules and regulations for the Federal Savings and Loan System, prescribing the present name and home office fixed by the present charter of this association.

In witness whereof, the Secretary of the undersigned has hereunto affixed his hand and the seal of the undersigned this ——— day of ————, 19——.

FEDERAL SAVINGS AND LOAN ASSOCIATION

[Corporate seal]

BY

§ 544.4 Issuance of charter.

Issuance of a charter to a Federal association constitutes its incorporation by the Board.

3. It is proposed to revise the introductory text of §§ 544.5, 544.6, and 544.6-1 as follows:

BYLAWS

§ 544.5 Prescribed form.

A Federal mutual association shall operate under the following bylaws, until such bylaws are amended under the procedure therein prescribed:

1. *Annual meetings of members.* * * *

* * * * *

§ 544.6 Amendment to bylaws.

This section constitutes approval by the Board of any of the following amendments to the bylaws of a Federal mutual association, or of an amendment repealing a provision of such bylaws providing for a bonus other than a bonus authorized under § 545.1-1 of this chapter, but the amendment in paragraph (e) is approved only if the association has no other provision in its bylaws for payment of a bonus on its savings accounts:

(a) *Nominating committee.* * * *

* * * * *

§ 544.6-1 Preparedness emergency amendments to bylaws.

This section constitutes approval by the Board of any of the following amendments to the bylaws of a Federal mutual association:

(a) *Emergency operations by surviving staff.* * * *

* * * * *

4. It is proposed to revise the heading and text of § 544.7 as follows:

AVAILABILITY OF DOCUMENTS

§ 544.7 In association offices.

A Federal association shall make available to its members at all times in its offices a true copy of its charter and bylaws, including any amendments thereto, and shall deliver such a copy to any member on request.

5. It is proposed to delete § 544.8, effective ( ), as follows:

§ 544.8 [Deleted].

PART 545—OPERATIONS

§ In Part 545 it is proposed to revise §§ 545.1 through 545.4-1 as follows:

CAPITAL

§ 545.1 Savings accounts.

(a) *General.* A Federal mutual association may raise capital through payments on its savings accounts in cash or in property in which the association may invest. The value of such property, absent fraud, shall be as the association's board of directors determines.

(b) *Membership fee.* Except as expressly permitted by § 545.4 or paragraph (c) of this section, no Federal association shall directly or indirectly charge any fee for becoming, remaining, or ceasing to be a holder of an account therein.

(c) *Service charge.* A Federal association may charge one dollar ($1) in any calendar year against a savings account if, when the charge is made: (1) The association is not required to distribute earnings on the account; (2) No payment has been made and no earnings have been distributed on the account for 36 months preceeding the date of the charge; and (3) Thirty days before making the first charge the association mailed to the holder of the account, at the accountholder's last known address, a notice that service charges will be made under this paragraph (c).

§ 545.1-1 Rates of return on savings accounts.

(a) *Regular and various accounts.* The board of directors of a Federal mutual association, having determined the rate at which earnings will be distributed on its regular savings accounts for a distribution period (the regular rate) may provide for distribution as follows: (1) *Lower rates.* At a rate(s) lower than the regular rate on any designated class(es) of account; or (2) *Higher rates.* At a rate higher than the regular rate, but within the maximum rate for regular accounts prescribed in Part 526 of this chapter, on accounts evidenced by an account book and maintained at $1,000 or more for a continuous period of at least 12 months; or (3) *Split rates.* At a rate(s) higher than the regular rate, but within the maximum prescribed rate for regular accounts, on the balance of an account which exceeds a minimum balance(s) fixed by the board of directors, if:

(i) The lowest minimum so fixed is at least $200; and

(ii) The account is evidenced by a certificate, in an account book or printed as a separate document, which is in a form prescribed under § 545.2(b) and bears on its face the words:

Earnings are distributable on this account as determined by the board of directors of the association subject to § 545.1-1 of the rules and regulations for the Federal Savings and Loan System.

(b) *Fixed balance bonus account.* The board of directors of a Federal association which has adopted the bylaw in § 544.6(e) of this subchapter may determine that, in addition to earnings distributed on savings accounts, the association will distribute a bonus on accounts of a minimum amount (at least $1,000) maintained for a minimum qualifying period (at least 3 months but not more than 36 months), as follows:

(1) Each such account shall be evidenced by a certificate issued in the amount originally invested in the account;

(2) Each such certificate, whether in an account book or a separate document, shall be in a form prescribed under § 545.2(b) and state on its face: "A bonus is distributable on the amount of this certificate, as provided in, and subject to § 545.1-1(b) of the rules and regulations for the Federal Savings and Loan System, for which purpose the beginning of the qualifying period of ———— months is ———— (Date) ————.";

(3) Earnings other than the bonus shall be paid to the accountholder in cash or credited to the bonus account or another account on regular distribution dates, and after expiration of the qualifying period, the bonus shall be likewise distributed;

(4) If any part of the account is withdrawn before the qualifying period expires, the accountholder shall receive earnings on the part withdrawn, from the date the account was issued until the withdrawal, at a rate no greater than the then current regular rate, and shall pay a penalty of at least (i) 90 days' (3 months') earnings at such rate on the amount withdrawn or (ii) all earnings at such rate on the amount withdrawn. A deduction shall be made from the amount withdrawn to adjust for the penalty applicable to any earnings previously distributed on the account;

(5) Until the qualifying period expires, a reserve for the bonus shall be maintained and appropriate credits and debits shall be made to such reserve on regular distribution dates.

(6) The bonus rate shall not exceed 0.75 percent per year, and the sum of the bonus rate and other earnings on the bonus account shall not exceed the applicable maximum rate on certificate accounts under Part 526 of this chapter. For any distribution period when such sum would exceed such maximum rate, the bonus rate shall, in accordance with subparagraph (8)(iii) of this section, be reduced to such maximum;

(7) The association may offer more than one bonus plan under this subsection but, whenever its board of directors determines to offer such a plan, any member whose savings account balance on the date of such determination equals the minimum required for such plan may exchange all or any qualified part of such account for bonus certificates dated the date of exchange. The board of directors shall by resolution determine a reasonable period, at least 3 months from the date the member is given notice of the plan, during which the exchange must be made. Such notice shall state the plan in writing and be given within 30 days after the effective date of the plan's adoption, as provided in paragraph (h) of this section;

(8) The association's board of directors may by resolution:

(i) Fix a uniform maximum dollar amount which any accountholder may hold under this paragraph;

(ii) Discontinue issuing certificates under this subsection except for exchanges under subparagraph (7);

(iii) Reduce the rate or discontinue distribution of any bonus on outstanding certificates issued under this subsection by giving at least 30 days' written notice, mailed to all holders of such certificates, but such reduction or discontinuation shall not be effective for any certificate until after a bonus is next distributable on the certificate; and

(iv) Determine that existing bonus accounts adopted under this section shall receive the return provided by a higher-rate bonus plan adopted under this paragraph, from the date the higher-rate plan was adopted, if the existing accounts meet the minimum amount requirement of the higher-rate plan.

(9) No bonus shall be distributed under this subsection on any savings account receiving another bonus or earning a rate higher than the regular rate.

(c) *48-to-96 month bonus account.* A Federal association's board of directors may, and if the association's bylaws were amended under § 544.6(f) of this chapter shall, resolve to pay a bonus on regular accounts, as follows:

(1) When the account is opened, the accountholder shall sign a statement of intention to make regular monthly payments of a specified amount on the account and shall make the first monthly payment;

(2) No monthly payment shall be more than 90 days late;

(3) No withdrawals shall be made from the account;

(4) The bonus rate shall not exceed 1 percent per year;

(5) A reduction of the bonus rate may not apply to accounts opened before the effective date of reduction;

(6) An increased bonus rate shall apply from the effective date of increase to all accounts qualifying under this subsection;

(7) A change in the bonus rate shall become effective at the beginning of a future distribution date;

(8) A bonus rate shall not be fixed which would cause total earnings on

the account to exceed then current maximum prescribed rates;

(9) If necessary, the bonus shall be reduced so that total earnings do not exceed the prescribed maximum rate;

(10) The bonus shall be earned at one-half the bonus rate for distribution periods beginning during the 48-month period following opening of the account, and the bonus shall be credited to the account at the end of each distribution period during such period except the distribution periods beginning during the first 12 months of such period;

(11) The bonus shall only be earned and distributed at the bonus rate for distribution periods beginning at least 48 months but not over 96 months from the date the account was opened;

(12) The bonus may not be earned on an account earning another bonus;

(13) No payment on the account shall be accepted more than 90 days early;

(14) The board of directors may, by resolution:

(i) Determine not to accept new accounts under the bonus plan, if the association's bylaws have not been amended under § 544.6(f), and

(ii) Fix a minimum or maximum amount for regular monthly payments.

(15) Each accountholder shall be given a certificate, in an account book or printed as a separate document, stating:

This certifies that (name of member) holds a 48-to-96 Month Bonus Plan Account subject to the provisions of § 545.1-1(c) of the rules and regulations for the Federal Savings and Loan System.

(d) *Existing bonus rights.* A Federal association which, before January 15, 1968, had outstanding bonus agreements, shall honor those agreements, but all new bonus plans must be adopted under paragraph (b) or paragraph (c) of this section.

(e) *Notice accounts.* If a Federal association's charter has been amended under paragraph (a) or paragraph (f) of § 544.2 of this subchapter, its board of directors may, by resolution, authorize issuance of accounts receiving a rate of return more than the regular rate but not exceeding the maximum rate proscribed for notice accounts in Part 526 of this chapter. Each such acount shall be evidenced by a notice account book containing a requirement that the accountholder give the association written notice at least 90 days before any withdrawal from the account except as the association otherwise permits under this paragraph (e). The association may permit an accountholder whose funds have remained in the account at least 90 days to withdraw such funds without prior notice on a regular distribution date or 10 days thereafter; if funds which have remained in the account at least 90 days are withdrawn at any other time before expiration of the notice period, the accountholder shall not receive earnings on the amount withdrawn for the period since the last regular distribution date.

(f) *Certificate accounts.* A Federal association's board of directors may authorize a certificate account to receive a rate of return higher than the regular rate but not exceeding the applicable maximum rate of return prescribed for certificate accounts in Part 526 of this chapter. Such account shall be maintained at not less than the applicable minumum amount required by that Part for a continuous period, determined by the association, of at least (1) 90 days or (2) 30 days for a public unit account as defined in §526.1(m) or an account of $100,000 ($50,000 if the association's home office is in Puerto Rico) or more, but not more than 10 years, commencing on the date of certificate. The certificate shall be in a form determined by the association's board of directors, set forth in the board's minutes, together with the date after which, and the class of savings for which, the form will be used. Unless the Federal Savings and Loan Insurance Corporation has already approved the form, the association shall (i) obtain, and retain while using the form, a written opinion by its counsel that the form complies with requirements of applicable law and regulations and the association's charter and (ii) submit a copy of the form and the opinion to the Corporation. The certificate shall provide for disclosure as required in § 545.2(c) and penalties for early withdrawal prescribed in § 545.4(a). Any part of a savings account meeting the amount requiement prescribed by the association under this subsection may, at the holder's request, be exchanged for one or more certificates, and the association may, at the time of such exchange or on the next regular distribution date, distribute any undistributed earnings and any applicable bonus on the savings account, or part thereof, so exchanged.

(g) *Exclusion.* Paragraphs (a), (e), and (f) of this section shall not apply to accounts earning a bonus.

(h) *Notice.* A Federal association which determines to distribute earnings under paragraph (a), (b), (e), or (f) of this section shall, within 30 days after such determination, give notice by at least one of the following means:

(1) Mailing postage prepaid to each member having, at the time of determination, a savings account with the required balance at the member's last address appearing on the association's books;

(2) Posting in a conspicuous place in each of the association's offices, as long as the plan is offered; or

(3) Publishing in a newspaper printed in the English language and of general circulation in the city or county in which each of the association's offices are located.

§ 545.1-2 Savings deposits.

(a) *General.* A Federal association which has amended its character under § 545.2(f) of this subchapter (a deposit association) shall raise capital in the form of savings deposits authorized by this section, except that savings accounts existing in such association when it becomes a deposit association shall continue until exchanged for such savings deposits. Such exchanges shall be made as the Board may prescribe.

(b) *Characteristics of savings deposits and status of holders.* Such savings deposits shall have the same characteristics as savings accounts accepted under the association's charter other than § 544.2(f), and holders of such savings deposits shall be members of the association with voting rights as if they were holders of such savings accounts, but if the association's charter has not been amended under § 544.2(a), it shall be considered so amended.

(c) *Priority of savings deposits.* Savings deposits shall, to the extent of their withdrawal value, be debts of the association with the same priority as debts of general creditors who have no priority, other than from consensual subordination, over other general creditors. Savings deposits shall have the same right to share in the remaining assets of the association that savings accounts would have. Any savings account in the association which is not a savings deposit shall have the same priority as a savings deposit.

(d) *Acceptance of share accounts by deposit associations.* If authorized by a resolution of its board of directors approved by the Board, a deposit association may raise capital in the form of share accounts which it could have offered if it had not become a deposit association, but only if it does not accept savings deposits while the resolution is in effect.

(e) *References in charter, bylaws, or regulations.* The words "savings account representing share interests in the association" in § 545.24, and all references in this subchapter and in the association's charter and bylaws to savings accounts, and to owners, holders, or holders of record of savings accounts shall likewise apply to savings deposits, except that (1) such references in this section or § 549.5-1 and (2) the words "representing share interests in the association" in section 3(6) of the charter and the words "shall not become creditors" in section 6 of the charter shall not so apply. References in § 548.4 to share accounts and to repurchase shall also apply respectively to savings deposits and to withdrawal from savings deposits.

(f) *Application of certain matters to savings deposits.* Any action taken by the association or its board of directors, which, if the association had not become a deposit association, would have applied to savings accounts opened after the date the association became a deposit association, shall likewise apply to savings deposits.

(g) *Forms of certificate.* A deposit association may use for savings deposits forms of certificates authorized for corresponding savings accounts, and shall use forms for savings deposits required for corresponding savings accounts, of non-deposit associations. However, forms used for savings deposits shall be modified to (1) refer to the savings deposit as a savings deposit and (2) eliminate any language characterizing such account as representing share interests.

(h) *Reporting requirements.* In reports required by the Board, deposit associations may include savings deposits in any category in which savings accounts are included.

§ 545.1-3 Fixed-term savings deposits.

(a) *General.* In addition to savings deposits authorized by § 545.1-2, a deposit association may accept savings deposits for fixed periods of time and fixed rates of interest. Such savings deposits shall have the same priority, and depositors therein shall have the status and rights, as if the savings deposits were accepted under § 545.1-2.

(b) *Payment of interest.* Interest on savings deposits authorized by this section shall be paid at the rate fixed, or negotiated on an individual basis, by the association before the deposit was accepted and in accordance with § 545.3 of this subchapter, subject to Part 526 of this chapter. The term of such savings deposits shall be at least (i) 90 days or (ii) 30 days for a public unit account defined in § 526.1(m) or an account of $100,000 ($50,000 if the association's home office is in Puerto Rico) or more, but not more than 10 years. Such savings deposits may provide for renewal, at the association's option, for successive periods not exceeding 10 years from each renewal.

(c) *Limitations.* In accepting savings deposits under this section, the association shall not:

(1) Provide for any forfeiture, other than loss of interest, for breach of condition by a depositor;

(2) Issue any negotiable form of certificate evidencing a savings deposit; or

(3) Issue any form evidencing a fixed-term savings deposit unless the association has: (i) Obtained, and retains while using the form, a written opinion by its legal counsel that the form complies with the requirements of applicable law and regulations and the association's charter; and (ii) submitted a copy of the form and legal opinion to the Federal Savings and Loan Insurance Corporation. However, no legal opinion is required if the Corporation has already approved the form for use by Federal associations.

(d) *Form of certificate.* Fixed-term savings deposit certificates may be in an account book or separate documents and shall be in a form determined by the association's board of directors, but they shall provide for disclosure as required in § 545.2(c) and penalties for early withdrawal prescribed in § 545.4(a).

§ 545.1-4 Marketable certificates of deposit.

(a) *General.* A Federal deposit association may accept savings deposits for fixed terms and fixed returns evidenced by certificates of deposit in conformity with this section. The association may authorize a commercial bank insured by the Federal Deposit Insurance Corporation to prepare, sign, and deliver the certificates and collect and transmit funds obtained in connection therewith, but banks so authorized are not "agents" or "agencies" for purposes of §§ 545.15, 556.5, and 563.25 of this chapter. The association may provide for issuance of duplicate certificates, bond, security, and other protection in connection with such issuance. Savings deposits authorized by this section are included in the term "such savings deposits" in § 545.1-2(b) of this subchapter. Provisions of the association's charter, other than that adopted under § 544.2(f), shall not be applicable to such savings deposits or such certificates.

(b) *Return.* The return shall be in the form of interest and/or discount, and fixed when the certificate is issued. The return shall conform to part 526 of this chapter.

(c) *Terms.* (1) The certificate shall have a single fixed term not less than 30 days or more than 10 years, beginning the day after the certificate is issued and ending on the day it is payable. No savings deposit shall be accepted, or certificate issued, under this section with any contract or agreement to extend or renew it. Whenever used in this section, except in the first sentence of this paragraph (1), the term "issue" and its variations include reissue, unless the context otherwise requires.

(2) Certificates may be, but need not be, in one or more series. Interest may be, but need not be, evidenced in whole or in part by coupons.

(d) *Limitations.* (1) The certificate shall not have a face amount (inclusive of discount, whether or not arrived at partly or wholly by add-on calculation) of less than $100,000 ($50,000 if the association's home office is in Puerto Rico), and it shall not, by its terms or otherwise: (i) Be subject to redemption, repurchase, or acceleration by the association; (ii) permit the certificate amount to be increased by payment on or transfer to the certificate; (iii) permit principal to be withdrawn or transferred from the certificate or the deposit it evidences, before the certificate expires; or (iv) permit extension or renewal of the certificate.

(2) Compounding of interest or other return on the certificate does not violate subparagraphs (ii) and (iii) of paragraph (1), and a certificate silent as to extension and renewal does not violate subparagraph (iv) of paragraph (1).

(e) *Required provisions.* The certificate shall include in its provisions the following:

(1) The certificate's face amount and date;

(2) The date payable, either expressed as a date or as payable a specified period after a specified date;

(3) To the extent that interest is not represented by discount or evidenced by a coupon(s), the rates of interest and the date(s), or the frequency, of payment of interest;

(4) A statement that no interest shall accrue on or be credited to the certificate for any time after the fixed term expires; and

(5) If the holder of the certificate has membership and voting rights, a provision in accordance with subsection (h) of this section.

(f) *Forms.* (1) The certificate shall be written in a form that (i) would be a negotiable instrument (other than a draft or check) under Article 3 of the 1972 Official Text of the Uniform Commercial Code ("the Uniform Commercial Code") or (ii) would be so except that it is not "payable to order or to bearer" as specified in section 3-104 of Article 3 but is issued in "registered form" (a form which is registered form under section 8-102 of the Uniform Commercial Code or would be such except that any part of interest thereon is not in such registered form). The certificate shall not be incorporated in a passbook. If it is offered or described as a negotiable instrument, it must be such under the law of the State or other jurisdiction in which the home office of the Federal association is located.

(2) Notwithstanding any other requirement of paragraph (f)(1) or any other provision of this section, the certificate may be interchangeable as between denominations or any of the forms permitted by paragraph (f)(1); it may refer to such interchangeability and include anything that this part or other applicable regulation or statute expressly permits or requires to be included.

(3) Subject to other provisions of this section, the board of directors shall determine the form of the certificate.

(g) *Transfer or withdrawal.* A savings deposit accepted under this section shall not be subject to check or to withdrawal or transfer on negotiable or transferable order or authorization to the association, but indorsement on the certificate (including an allonge) is permitted so far as it relates to the certificate or part thereof.

(h) *Voting and membership.* Holders of such savings deposits and certificates are voting members of the association, only as follows: If the certificate is originally issued in "registered form" (as the term is used in paragraph (f)(1)) and cannot be changed into nonregistered form, and if the certificate provides that the association's charter provisions regarding membership and voting apply to the certificate, the term "savings accounts" as used in charter provision No. 4 shall include such certificate.

(i) *Filing.* Before issuing a certificate under this section, an association shall file with the Federal Savings and Loan Insurance Corporation a copy of the certificate form, with an opinion of its counsel that the form complies with applicable law and regulations and the association's charter and, if the certificate is offered or described as a negotiable instrument, that it is a negotiable instrument under the laws of the State or other jurisdiction in which the association's home office is located. Filing shall be made by delivering a copy of the form and opinion to a Supervisory Agent and a copy to the Director, Office of Industry Development, 1700 G Street NW., Washington, D.C. 20552. The Director or, in the Director's absence, the Deputy Director, shall with the concurrence of the General Counsel, or in the General Counsel's absence the Deputy General Counsel, approve or disapprove the form, or refer it to the Board for action. The association shall not issue certificates in such form until 30 days after filing or until it receives written notice that the Federal Savings and Loan Insurance Corporation has no objection to the form. However, the association may issue a certificate previously approved by the Corporation for use by Federal associations after it has submitted a copy of it, with the prescribed opinion of legal counsel, to a Supervisory Agent and to the Director, Office of Industry Development. The association shall not issue, or continue to issue, under this section, any form of certificate which it knows or should know has been disapproved by the Corporation.

(j) *Relationship to other provisions.* (1) Paragraphs (a), (b), (d), and (e) of § 545.2, paragraph (c) of § 545.4, § 545.4-1, and § 545.4-2 do not apply to savings deposits accepted under this section.

(2) Section 545.1(d) applies to savings deposits accepted under this section, except that the period described in paragraph (d)(2) begins on the date the term of the deposit expires.

(3) Section 545.7 applies to savings deposits accepted under this section, and the "withdrawal amount" of such deposits includes any discount accumulated on the deposit, plus any accrued and unpaid interest on the deposit. The term "redemption, repurchase, or acceleration by the association" as used in paragraph (d)(1)(i) of this section shall not include setoff, counterclaim, or recoupment, or realization by foreclosure or otherwise upon a lien or pledge held by the association or payment by the association of surplus remaining upon such realization.

(4) A Federal association may accept concurrently savings deposits under §§ 545.1-2, 545.1-3, and this section.

(5) A Federal association may not require advance notice for withdrawal from a savings deposit accepted under this section.

§ 545.2 Evidence of account.

(a) *Signature card.* When a Federal association issues a savings account, it shall obtain a card containing the signature of the owner, or an authorized representative of the owner, and preserve the card in its records.

(b) *Forms of certificates and account books.* A Federal association shall issue to each holder of its savings accounts an account book, or a separate certificate, evidencing ownership of the account and the interest of the holder thereof in the association. Except for certificates evidencing fixed-term savings deposits, and certificates evidencing savings accounts accepted under § 545.1-1(f), each such certificate shall be in a form prescribed by the Board. Prescribed forms may be obtained from the Board or a Bank.

(c) *Disclosure.* Each certificate evidencing a fixed-term savings deposit authorized under § 545.1-3 or a certificate account authorized under § 545.1-1(f), whether incorporated in an account book or printed as a separate certificate, shall display in easily read type: (1) The anticipated or stated rate of return to be paid and the dates or frequency at which such return is distributable; (2) The amount of the certificate and the date on which it is issued; (3) The minimum term (or, for a savings deposit, the term) and minimum balance; (4) The penalty or penalties imposed under § 545.4 for withdrawal prior to expiration of the term; (5) Any provisions relating to renewal when the term expires; (6) Any provision relating to earnings after expiration of the term or any renewal period; and (7) For fixed-term savings deposits, a provision converting the deposit at the expiration of the term or renewal, or whenever the minimum balance may cease to be met, to a regular savings deposit.

(d) *Ownership of record.* A Federal association may treat the holder of record of a savings account as the owner, regardless of any notice to the contrary, unless the association has acknowledged in writing notice that the account is pledged. The savings accountholder's receipt is sufficient to discharge the association for any payment to such person on the account. Savings accounts of a Federal association shall be transferable only on the association's books and on proper application by the transferee and acceptance of the transferee as a member on terms approved by the board of directors.

(e) *Duplicate account books and certificates.* When the holder of record of a savings account in a Federal association, or the legal representative of the holder, files an affidavit with the association that the certificate or account book evidencing the account was lost or destroyed, and that no part of the certificate or account book has been pledged or assigned, the association shall issue a new certificate or account book in the name of the holder of record. However, the association's board of directors may require a bond sufficient to indemnify the association against any loss which might result from issuance of the new certificate or account book.

§ 545.3 Time and manner of distribution.

(a) *Monthly, quarterly, semiannually.* A Federal association may distribute earnings on savings accounts or savings deposits, or designated classes thereof, as provided in its charter or, by resolution of its board of directors and while the resolution is in force, either monthly, quarterly, or semiannually on the last day or last business day of the month. Except for interest on savings deposits, no distribution of earnings may be made under this subsection until provision has been made for payment of expenses and for the pro rata portion of credits to reserves required by the association's charter and by Part 563 of this chapter.

(b) *Fixed-term savings deposits and certificate accounts.* A Federal association shall, as determined by its board of directors, pay interest on fixed-term savings deposits, or designated classes thereof, or in accordance with the terms of certificate accounts accepted under § 545.1-1(f) distribute earnings on the accounts, either annually, semiannually, quarterly, at the end of the term, or as provided by the association's board of directors under paragraph (a) of this section.

(c) *Distribution when eligibility requirement is satisfied.* When a time eligibility requirement applicable to a savings account is satisfied, any accrued and unpaid earnings on the ac-

count may be credited or paid to the owner thereof.

(d) *Higher rate accounts evidenced by account books.* A savings account evidenced by an account book and receiving a rate higher than the regular rate shall continue to receive such rate at each regular distribution date for that class of savings accounts, as long as the account is eligible to receive that rate and until the board of directors determines to discontinue the higher rate.

(e) *Earnings after expiration of certificate term.* After expiration of the term of a savings account issued under § 545.1-1(f) of this subchapter, the account shall, on regular distribution dates for that class of account, receive earnings as long as it remains outstanding as follows: (1) If the account is nonrenewable and evidenced by a certificate issued after September 30, 1966, at the regular rate; or (2) If the account is evidenced by a certificate issued before October 1, 1966, and if it remains eligible to receive, and the association continues to distribute, earnings at a rate higher than the regular rate, at a rate determined from time to time by the board of directors.

(f) *Reserve for undistributed earnings.* While any certificate issued under § 545.1-1(f) remains outstanding, a reserve for undistributed earnings on the account shall be maintained and appropriate credits and debits made to the reserve on each regular distribution date for that class of savings account.

(g) *Small accounts.* A Federal association may, by resolution of its board of directors, determine not to distribute earnings on any savings account of less than a specified minimum amount which shall be less than $50. It may also so specify a lower minimum for accounts established under a plan offered by the association to children to encourage thrift.

(h) *Amounts withdrawn between distribution dates.* A Federal association may, by resolution of its board of directors and while the resolution is in force, provide for distribution of earnings on amounts withdrawn from savings accounts, or designated classes thereof, between regular distribution dates, but earnings so distributed shall not be for any portion of the dividend period during which the amount was not in the association or at a rate greater than the rate at which earnings, exclusive of any bonus, are distributed on savings accounts for the dividend period in which the withdrawal occurs.

(i) *Determination date.* By resolution of its board of directors, a Federal association may prescribe a determination date, not later than the 20th of the month, and while the resolution is in force, payments on savings accounts received before that date will receive earnings as if received on the first of the month, and payments received after that date will receive earnings from the first of the next month. However, if the determination date is not later than the 10th of the month, payments received after that date shall receive earnings from the date of receipt. This subsection (i) does not apply to savings accounts authorized by § 526.5(a)(7) of this chapter.

(j) *Compounding of earnings.* A Federal association may, by resolution of its board of directors and while the resolution is in force, compute earnings for distribution on its savings accounts, or designated classes thereof, as though earnings had been credited to the account with a uniform frequency prescribed in the resolution since the previous distribution date.

(k) *Short-term savings accounts.* A Federal association may, by resolution of its board of directors and while the resolution is in force, distribute earnings on any designated class(es) of short-term savings account as of the date(s) prescribed in the resolution.

(l) *Change of rate of return.* During a distribution period, a Federal association may, by resolution of its board of directors, increase the rate of return on regular accounts announced for that period. The increased rate may be paid for any part of the period, but shall not exceed the applicable maximum rate prescribed in part 526 of this chapter. A deposit association may reduce such rate during a distribution period only to conform with the prescribed maximum.

§ 545.4 Withdrawals.

(a) *Withdrawal prior to expiration of term.* (1) If any part of a savings account authorized under § 545.1-1(f), or any part of a fixed-term savings deposit, is withdrawn before expiration of the term, the penalty prescribed in § 526.7(a) of this chapter shall apply, and if any earnings were distributed on the account before the withdrawal, deduction shall be made from the amount withdrawn to adjust for the penalty applicable thereto. However, in the circumstances prescribed in §§ 526.7(b) (i) and (ii), no penalty shall apply

(2) If only part of a savings account is withdrawn but the applicable minimum balance requirement ceases to be met, the certificate evidencing the account shall by canceled. If such requirement continues to be met: (i) The amount and date of the withdrawal and the remaining balance may be noted on the certificate; or (ii) the certificate may be canceled and a new certificate issued for the remaining balance, with the same term, rate, and dates as the canceled certificate.

(3) An association may provide that an account holder cannot withdraw any part of a fixed-term savings deposit or certificate account before its term expires except under emergency circumstances that may be set forth in the certificate evidencing the account.

(b) *Travelers' convenience withdrawals.* A Federal association may permit an account holder to make a withdrawal from a regular account through a disbursing institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation, if the office through which the disbursement is made is more than 50 miles from the account holder's principal dwelling. The withdrawal may be made only after the Federal association receives a specific telephonic withdrawal request (oral or electronic) from the account holder, and the amount paid shall be immediately withdrawn from the account. The Federal association may: (1) Charge a fee to the account holder; (2) limit the amount of such withdrawals; and (3) pay a fee to the disbursing institution. A Federal association may act as the disbursing institution in such a withdrawal from a regular account in an institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation, and may collect a fee for that service.

(c) *Payment of withdrawal requests by Charter N associations.* When a Federal association with Charter N cannot pay withdrawal requests within 30 days of the date of receipt of written request therefor, it shall number and file all requests in the order received and proceed in the following manner while any request remains unpaid for more than 30 days: (1) Requests shall be paid in numerical order, and as each number is reached the account holder shall be paid the lesser of $1,000 or the amount of the withdrawal request. If the amount of the request is not paid in full the request shall be renumbered, placed at the end of the list of requests, and acted upon in the same way when its new number is reached, until the request is paid in full. However, when a request is reached for payment, the association shall so notify the account holder by registered mail to his last address as recorded on the association's books and, unless the holder, within 30 days from the mailing of the notice, applies in person or in writing for payment, the request shall be canceled and not paid. Regardless of any other provision in this section, the board of directors may pay on an equitable basis an amount not exceeding $200 to any account holder in any calendar month; and (2) The association shall allot to the payment of withdrawal requests the remainder of the association's receipts from all sources after deducting therefrom amounts for expenses, required payments on indebtedness, earnings distributable in cash to holders of savings accounts,

and a fund for general corporate purposes of not more than 20 percent of the association's receipts from its account holders and its borrowers.

(d) *Grace period with respect to withdrawals.* A Federal association may, while a resolution by its board of directors so providing remains in effect, compute earnings on amounts withdrawn from its savings accounts during the last three business days of any period for which earnings are distributable thereon as if withdrawal had been made immediately after the close of that period. This subsection (d) does not apply to savings accounts authorized by § 526.5(a)(7) of this chapter.

§ 545.4-1 Payment to third parties by withdrawals or transfer of savings accounts; checks and money orders.

(a) *Withdrawals and transfers.* (1) *General.* Savings accounts in a Federal association shall not be subject to check or to withdrawal or transfer on negotiable or transferable order or authorization to the association. However, by nontransferable order or authorization, account holders may authorize the association, periodically or otherwise, to pay third parties from the account. The association may honor such orders and authorizations only if received from the account holder or, if processed through an automated clearing house, from or through the third party. The association may, at the request of the third party, treat such an order or authorization as a transfer to a savings account of the third party. The association may charge a fee for making any payment or transfer under this section.

(2) *Exceptions for transaction accounts.* Notwithstanding any other provision of this subchapter, a Federal association having its home office in N.H., Mass., Conn., R.I., Maine, or Vt. may allow the owner of a savings account on which earnings are paid to make withdrawals by negotiable or transferable instrument for the purpose of making transfers to third parties.

(b) *Sale of checks and money orders.* A Federal association may sell checks, including travelers checks, and money orders on which the drawee is a bank, commercial bank, or other organization engaged in the business of handling such instruments.

The heading of § 545.4-2 is proposed to be revised as follows:

§ 545.4-2 Remote service units.

* * * * *

It is proposed to revise §§ 545.5 through 545.6-3 as set forth below:

§ 545.5 Give-aways.

(a) *Definitions used in this section.* (1) "Give-away" means any thing of value, or service performed in any part outside an association's premises, given without adequate payment, but not including: (i) Providing safety deposit facilities at reduced rental to members of the association; or (ii) repaying to members any part of amounts paid by them for safe deposit facilities located outside the association's facilities.

(2) "Doing business" has the meaning it has in the statute described in paragraph (c), and "domestic association" means any savings and loan, building and loan, homestead association, or cooperative bank which is a domestic association under that statutory provision.

(b) *Prohibition.* No Federal association doing business in a State which has in effect a statutory provision as described in paragraph (c) of this section and regulatory restrictions adopted under that statute, shall: (i) Condition the distribution of a give-away on the recipient's possessing, opening, or adding to a savings account, or maintaining a minimum balance therein; (ii) except under paragraph (d), refer in any of its advertising to any give-away, other than printed material of an educational or informational nature or a coin bank, with a cost not exceeding $2.50; or (iii) enter any agreement with, or accept funds for investment in a savings account from, any person engaging in such activities.

(c) *Reciprocal statutory provision.* The statutory provision referred to in paragraph (b) must authorize a specified State official to impose by regulation restrictions on domestic associations of the State equivalent to those imposed on Federal associations by subparagraphs (i) and (ii) of paragraph (b) if while the restriction is in force, Federal associations doing business in the State are likewise restricted.

(d) *Exception.* Notwithstanding subsection (b), a Federal association may advertise give-aways during a single period of 30 days ending not more than one year after it opens its first office.

(e) *Effect on other provisions.* This section does not affect the applicability to any Federal association of § 563.24 of this chapter.

Loans

§ 545.6 Real estate loans.

(a) *General.* A Federal association may make loans secured by first liens on improved real estate, as provided in §§ 545.6-1 through 545.6-11.

(b) *Documentation.* If the security for any loan includes one or more dwelling units, the loan record shall contain documents showing the number of dwelling units covered by the loan, the number of bedrooms in each dwelling unit, and whether the structure has an elevator.

§ 545.6-1 Insured and guaranteed loans.

(a) *Insured loans.* Loans may be made in amounts and with terms and conditions of repayment acceptable to the insuring agency.

(b) *Guaranteed loan.* Loans which are at least 20 percent guaranteed may be made, with terms and conditions of repayment acceptable to the guaranteeing agency.

§ 545.6-2 Monthly installment loans.

Loans repayable in regular periodic payments sufficient to liquidate the debt, principal and interest, within the loan term may be made as follows:

(a) *On the security of homes or combinations of homes and business property.* (1) *80 percent of value.* Subject to § 545.8-7, such loans not exceeding 80 percent of value of the security property may be made and shall be repayable monthly within 30 years.

(2) *80 percent to 90 percent of value.* The 80 percent limitation in paragraph (a)(1) of this section shall be 90 percent, if:

(i) The loan is secured by a first lien on a single-family or two-family dwelling;

(ii) The amount by which the loan exceeds 80 percent is not disbursed until construction is completed (as defined in § 555.3(b) of this subchapter) and, if the dwelling is being constructed for sale, until the property is sold and title conveyed to a purchaser who has executed an agreement with the association to pay the loan;

(iii) The amount of the loan does not exceed: (a) For single-family dwellings $75,000 ($112,500 for security property in Alaska, Guam, or Hawaii) and, for two-family dwellings, the amount allowable in or under section 207(c)(3) of the National Housing Act; or (b) 90 percent of the value or purchase price of the security property whichever is less (see also § 555.4 of this subchapter);

(iv) The loan contract requires that, in addition to principal and interest payments on the loan, one-twelfth of estimated annual taxes and assessments on the security property be paid monthly in advance to the association.

(v) The borrower, including a purchaser who assumes the loan, has executed a certificate stating that (a) no lien or charge on the property, other than the association's lien or any lien or charge which will be discharged from the proceeds of the loan, has been given or executed by the one executing the certificate, or has been agreed to be so given or executed, and (b) the borrower occupies, or in good faith intends to occupy, the property as the borrower's principal dwelling;

(vi) In the case of a loan sought or assumed to finance acquistion of the security property, the vendor(s) has executed the certificate required by subdivision (a)(2)(v)(a), and the pur-

chaser and vendor(s) have jointly executed a certificate stating the purchase price of the security property and the items comprising such price;

(vii) The aggregate principal amount of the association's investment in loans under this paragraph and paragraph (a)(3) of this section with unpaid principal balances exceeding 80 percent of the value or purchase price of the security property whichever is less, determined at the time the loans were made, does not exceed 50 percent of the association's assets.

(viii) In the case of a loan purchased by a Federal association from other than a Federal association, each certificate required by subparagraph (a)(4)(v) and (vi) of this section shall contain a statement that the certificate is made for the purpose of inducing a Federal association to purchase the loan.

(3) *90 percent to 95 percent of value.* The 80 percent limitation in paragraph (a)(1) of this section shall be 95 percent, if:

(i) The requirements in subparagraphs (i), (ii), (iv), (v), (vi), and (vii) of paragraph (a)(2) are met;

(ii) The amount of the loan does not exceed (a) for single-family dwellings, $60,000 ($90,000 for security property in Alaska, Guam, or Hawaii), and, for two-family dwellings, the amount allowable in or under section 207(c)(3) of the National Housing Act or (b) 95 percent of the value or purchase price of the security property whichever is less;

(iii) The total of (*a*) the pricipal amount of the loan and (*b*) the association's investment in the principal amount of all other loans made under this subparagraph which have unpaid principal balances exceeding 90 percent of the value or purchase price of the security property, determined at the time the loans were made, does not exceed 25 percent of the association's assets;

(iv) Except as to a loan or contract to facilitate the sale of real estate owned, either—(*a*) As long as the unpaid balance of the loan exceeds 90 percent of the value or purchase price of the security property, determined at the time the loan was made, the part or such balance exceeding 80 percent of such value or purchase price is guaranteed or insured by a mortgage insurance company which the Federal Home Loan Mortgage Corporation has determined to be a "qualified private insurer"; or (*b*) the association establishes and maintains a specific reserve with respect to the loan equal to 1 percent of the unpaid principal balance until the loan has been reduced to not more than 90 percent of the value or purchase price.

(4) *Loans to 100 percent of value.* The 80-percent limitation in paragraph (a)(1) of this section shall be 100 percent for any loan secured by a home located within the association's regular lending area, if at least the portion of the loan which exceeds 80 percent of the value of the security property is insured or guaranteed by an agency or instrumentality of a State whose full faith and credit is pledged to support the insurance or guarantee.

(5) *Limitation.* After the first payment on a loan secured by property occupied or to be occupied by the borrower, no subsequent payment shall be more than any preceding payment.

(b) *On the security of other dwelling units, combinations of dwelling units, including homes, and business property involving only minor or incidental business use, and cooperative housing projects.* Subject to § 545.8-7, loans repayable monthly within 30 years may be made for amounts not in excess of: (1) 80 percent of the value of the security property; or (2) the amounts authorized in paragraphs (a)(2) and (a)(3) of this section, if the requirements of those paragraphs are met and if the security property is a cooperative housing project in which dwelling units equaling 90 percent of the value or purchase price of the project, whichever is greater, are presold to bona fide purchasers. The housing project shall maintain reserves at least equaling those required for comparable cooperative housing projects insured by the Federal Housing Administration. For purposes of compliance with this paragraph (b)(2), the terms "single-family or two-family dwelling" in subparagraph (a)(2)(i) of this section shall read "cooperative housing project"; the words "the borrower occupies" in subdivision (a)(2)(iv)(b) of this section shall read "members of the cooperative housing project occupy"; and the loan limits of $75,000 ($112,500 for security property in Alaska, Guam, and Hawaii) in subdivision (a)(2)(ii)(a) and $60,000 ($90,000 in Alaska, Guam, and Hawaii) in subdivision (a)(3)(ii) shall read "$75,000 ($112,500 for security property in Alaska, Guam, or Hawaii), multiplied by the number of dwelling units," and $60,000 ($90,000 for security property in Alaska, Guam, or Hawaii), multiplied by the number of dwelling units," respectively, but the amount of the loan applied to any one dwelling unit may not exceed the applicable limitation per dwelling unit.

(c) *Other improved real estate, as defined in subsections (a) and (c) of § 541.12.* Subject to § 545.8-7, loans may be made for not over 75 percent of the value of the security property and repayable monthly within 25 years. Loans made under §§ 545.6-7 and 545.6-9 may be made as provided therein.

§ 545.6-3 Loans repayable other than by monthly installments.

Loans that may be made on a monthly installment basis under § 545.6-2 may also be made as follows:

(a) *Flexible payment loans.* Loans authorized under subsection (a) of § 545.6-2, except loans made under paragraph (a)(4) thereof, which are secured by a single-family dwelling which the borrower has certified is or will be the borrower's principal dwelling, may be repayable in monthly installments, as follows:

(1) During an initial period not exceeding 5 years, installments shall equal at least one-twelfth the annual interest rate times the unpaid balance of the loan, which rate may be increased only by subsequent agreement;

(2) The amount of the first payment after such period shall be fixed at the beginning of the loan term and subsequent required payments may be less but not more;

(3) Required payments shall be sufficient to liquidate the debt, principal and interest, within the loan term; and

(4) The loan agreement shall describe the payment schedule. However, the aggregate of the principal amount of the association's investment in such loans with unpaid principal balances exceeding 80 percent of the value or purchase price of the security property, determined when the loans were made, shall not exceed 5 percent of the association's assets, which 5 percent shall be included in the 50 percent limitation in paragraph (a)(2)(vii) and the 25 percent limitation in paragraph (a)(3)(iii) of this section.

(b) *Other installment loans.* Loans authorized under paragraphs (a) and (b) of § 545.6-2 may be made with interest payable at least semiannually and principal payable at least annually in installments sufficient to pay the loan, principal and interest, within 15 years, except that loans on commercial farming enterprises, farm residences, or combinations of such residences and commercial farming enterprises may be made with principal and interest payable at least annually in an amount sufficient to retire the debt, principal and interest, within 25 years. Such loans on commercial farming enterprises may be made in amounts not exceeding 80 percent of value of the security property.

(c) *Partially amortized loans.* Loans which may be made under paragraph (b) and (c) of § 545.6-2, and which are made in an amount not in excess of 80 percent of the value of the security property, may be repayable subject to the term limitations in those subsections, in a lump sum at the end of the loan term if, beginning less than 61 days after disbursement of the loan proceeds, monthly payments on principal and interest are required in an

amount at least sufficient to amortize a loan of the same amount, principal and interest, within 30 years.

(d) *Loans without amortization.* (1) *Loans authorized under subsections (a) and (b) of § 545.6-2.* Loans may be made for the following terms, with interest payable at least semiannually: (i) 50 percent of the value of the security property—5 years; (ii) 60 percent of the value of the security property—3 years.

(2) *Loans authorized under paragraph (c) of § 545.6-2.* Loans may be made for 60 percent of the value of the security property repayable within 5 years, with interest payable at least semiannually.

(3) *Construction or substantial alteration, repair, or improvement loans.* Loans may be made within the maximum loan-to-value ratio permitted for monthly installment loans, for the following terms: (i) Loans on the security of homes or combinations of homes and business property—18 months; (ii) Loans on the security of other dwelling units; combinations of dwelling units, including homes, and business property involving only minor or incidental business use—36 months; (iii) Loans on the security of other improved real estate as defined in paragraph (a) and (c) of § 541.12—36 months (only loans for construction are authorized under this subdivision (iii)); (iv) Loans authorized under this paragraph (3) may be combined with permanent loans on the same security authorized under §§545.6-1 to 545.6-3, except loans authorized under subdivision (iii) may be combined only with monthly installment loans. The term of the permanent loan shall begin at the end of the term allowed for construction, or substantial alteration, repair, or improvement; and (v) No disbursement of any amount of such a loan in excess of 80 percent of the value of the security property shall be made until completion of construction or substantial alteration, repair, or improvement and compliance with applicable provisions of paragraphs (a)(2), (a)(3), and (a)(4) of § 545.6-2.

(4) *Loans made to facilitate the trade-in or exchange of a home or combination of home and business property.* Loans may be made for 80 percent of the value of the security property for a term not exceeding 18 months, with interest payable at least semiannually, but the aggregate amount of such loans in which an association may invest may not at any time exceed 5 percent of the association's assets, and the term "first liens" includes assignment of the entire beneficial interest in a trust having a corporate trustee whereunder real estate held in the trust can be subjected to satisfaction of the secured obligation(s) with the same priority as a first mortgage (or deed of trust) in the jurisdiction where the real estate is located.

It is proposed to redesignate the text of the previous § 545.6-3 as § 545.6-4 under the following heading:

§ 545.6-4 Additional lending powers.

* * * * *

6. It is proposed to amend §§ 545.6-5 through 545.10 to read as follows:

§ 545.6-5 Loans to finance acquisition and development of land.

(a) *Definition.* In this section "development" means installations and improvements necessary to produce from land building sites ready, in accordance with applicable governmental requirements and general community practice, for construction of buildings thereon.

(b) *General.* A Federal association may invest in loans to finance (1) acquisition and development of land for primarily residential use and (2) construction of homes or single-family dwellings inclusive of such acquisition and development. An association shall invest in such a loan only if it appears to the association that the loan will be used to undertake prompt development of land previously acquired or land to be acquired when the loan is made. The loan term shall be fixed, within the maximum term permitted by this section, based on the association's determination of the time reasonably necessary for the borrower to complete development and dispose of the completed lots and improvements to be constructed thereon.

(c) *Basic limitations.* An association may make loans under this section only when: (1) The aggregate of its general reserves, surplus, and undivided profits equals more than 5 percent of its savings accounts; (2) the resulting aggregate amount of its investments in loans under this section, exclusive of the portion of loans under paragraph (e) of this section which are for the purpose of financing construction of homes or single-family dwellings, would not exceed 5 percent of the amount of its savings accounts; (3) the loans are secured by first liens; and (4) the real estate security for each loan is located within the association's regular lending area.

(d) *Loans to finance acquisition and development of land.* No loan under this subsection shall be made in an amount exceeding 75 percent of the value of the security property as of completion of its development. Each loan shall be repayable within not more than 5 years and interest thereon shall be payable at least semiannually. No proceeds of such a loan shall be disbursed if such disbursement, together with the aggregate amount of proceeds previously disbursed and not repaid, would exceed 75 percent of the value of the security property at that time.

(e) *Loans to finance construction of homes inclusive of acquisition and development of land primarily for residential use.* No loan under this section shall be made in an amount exceeding 80 percent of the value of the security property as of completion of construction of homes or single-family dwellings thereon. Each such loan shall be repayable in full within 6 years after the date of the loan instrument, with or without periodic amortization but with interest payable at least semiannually, except that beginning not more than 18 months after the first disbursement of loan proceeds made for the purpose of financing construction of any home or single-family dwelling, whether or not such construction has been completed, principal shall be amortized monthly at a rate of at least 1 percent of the portion of the loan balance applicable to such home or single-family dwelling, including the building site, and beginning not more than four years after the first disbursement of any loan proceeds, principal shall be amortized monthly at a rate of at least 1 percent of that portion of the loan balance not applicable to construction of any home or single-family dwelling and its building site. No disbursement of a loan under this subsection shall be made at any time if the aggregate amount of such disbursements and previous disbursements not repaid would exceed the sum of 80 percent of the value at that time of homes or single-family dwellings under construction or completed and not sold; 75 percent of the value at that time of the portion of the remaining security property which is building lots or sites on which development is in progress or completed; and (3) 75 percent of the value at that time of the remaining security property, but any principal amortization required by this paragraph shall be deducted from such sum. An association shall, by a construction loan agreement or other instrument applicable to each construction loan made under this subsection, reserve to its board of directors full and exclusive right, without regard to any other provision of any loan instrument or any agreement applicable to the loan, to limit from time to time the number of homes and single-family dwellings under construction at any one time from the loan proceeds.

(f) *Releases; loan extensions.* When any part of the security property is released from the lien, the principal balance of a loan made under this section (other than that portion of a loan under paragraph (d) attributable to construction of homes or single-family dwellings) shall be reduced by an amount at least equal to 110 percent

of the portion of the outstanding principal balance attributable to the value of the property released. When a home or single-family dwelling is released from the lien, the principal balance of the loan shall be reduced by an amount at least equal to the portion of the outstanding principal loan balance attributable to the value of the property released. "Value" as used in the preceding sentence is the value at the time the loan was made or the loan amount was determined. The association's board of directors may approve extension of any such loan for one year or less beyond the loan term and may approve a second extension for an additional year or less. Such approval may be given only if: (1) Interest on the loan is current; (2) the unpaid principal balance does not exceed 75 percent of the value of the security property (80 percent of the value of homes or single-family dwellings, less any amortization required by paragraph (e)), and (3) the board of directors has before it (i) an audited current financial statement of the borrower, (ii) a current independent appraisal of the security property, and (iv) a current written report on the feasibility of repayment of the loan at expiration of the extension.

(g) If an association makes a loan under this section to a borrower who acquires the land before completing plans for development thereof, it may later determine the total amount of the loan based on appraisal after completion of such plans. However, an association shall not make such a loan unless the borrower has submitted a preliminary plan which, in the association's opinion, is a feasible plan for development of the land for primarily residential use. If determination of the total amount of a loan is so deferred, the loan agreement or other suitable instrument shall provide for acceleration of the loan's maturity to a fixed date (not more than 2 years after the first disbursement of proceeds under the loan), if by such date the borrower has not furnished to the association complete plans, satisfactory to the association, for development of the land and, if it is a loan under paragraph (e), for construction thereon.

(h) *Limitations on loans on a single project to one borrower.* No association shall invest more than 2 percent of its savings accounts in loans on any one land development project or in any such loans(s) to one borrower, including the balance of all outstanding loans made under this section to any partnership, corporation, or syndicate of which any partner, stockholder, owner, participant, or officer is the borrower or is a partner, stockholder, owner, participant, or officer of the borrower.

§ 545.6-6 Insured loans to finance land development.

Without regard to any other provisions of this Part, except § 545.8(a), a Federal association may invest in insured loans, and interests in insured loans, on the security of real estate located within its regular lending area, to finance land development under the provisions of Title X of the National Housing Act.

545.6-7 Housing facilities for the aging.

(a) A Federal association may invest in installment loans, or participation interests therein, secured by improved real estate designed to provide accommodations for occupancy by persons over 55 years of age, or rest homes or nursing homes constructed or altered to be suitable primarily for occupany by persons over 55 years of age and limited principally to such occupancy. Loan plans, practices, and procedures consistent with this section and other applicable provisions in this Part may be used in making such loans.

(b) *Basic limitations.* Investment or participation under this section is authorized only when: (1) The security property is located within the association's regular lending area; (2) the loan is repayable monthly within 30 years; (3) the principal obligation of the loan is specified in the security instrument and does not exceed 90 percent of the value of the security property; and (4) the aggregate amount of investments made under this section does not at any time exceed 5 percent of the association's assets.

(c) *Additional limitations.* (1) Before making a loan under this section an association shall obtain a statement signed by the borrower or, if the borrower is a trust, partnership, corporation, or syndicate, signed by its authorized agent, certifying that the security property has been, or as a result of the loan will be, constructed or altered to provide housing described in subsection (a) and the initial occupancy of the property will be limited to persons over 55 years of age.

(2) Before making a loan under this section an association shall determine that the security property is or will be suitable for use as prescribed in paragraph (a) of this section, as follows:

(i) If the security property exists, the association shall obtain evidence from appropriate state or local authorities that they have approved the property for such use or, in a jurisdiction where such facilities are not subject to regulation under State or local laws or ordinances, a statement signed by an architect, or, in the absence of an architect, such other qualified person as the association's board of directors may designate, that the security property is designed primarily for such use.

(ii) If the security property is to be constructed or altered as a result of the loan, the association shall obtain evidence from appropriate State or local authorities that the plans and specifications for the construction or alteration comply with all applicable State and local laws and ordinances and that they will approve the security property for such use if it is completed according to such plans and specifications or, in a jurisdiction where such facilities are not subject to regulation under local laws or ordinances, a statement signed by an architect or, in the absence of an architect, such other qualified person as the association's board of directors may designate, that the person has inspected the plans and specifications and that if the security property is constructed in accordance therewith it will be suitable for such use.

(3) If the loan is an insured loan, the association may accept the determination of the insuring agency as evidence of compliance with the requirements of subparagraph (2).

(d) *Relationship to other provisions of the regulation.* Except as this section otherwise expressly provides, loans authorized under it shall be subject to all other provisions of this part.

§ 545.6-8 Loans on low-rent housing.

(a) *General.* Limitations in this Part relating to maximum loan terms and loan-to-value ratios, except limitations in § 545.6-7, shall not apply to any loan secured by a first lien on real estate which is, or which is being constructed, remodeled, or renovated to be, the subject of an annual contribution contract for low rent housing under the United States Housing Act of 1937, as amended. No such loan by a Federal association shall exceed 90 percent of the amount of the appraisal or, if the real estate is to be purchased by a local public housing authority, 90 percent of the purchase price. This section shall apply to a loan on such real estate only when it first becomes, or when it is first constructed, remodeled, or renovated to be, the subject of such a contribution contract.

(b) *Appraisals.* The appraisal of any such real estate required by § 545.8-8 shall be: (1) If the real estate has, or will have, newly constructed improvements thereon, the value of the land plus appraisal of the cost of the improvements; or (2) if the real estate has existing improvements, the value of the land with existing improvements, plus appraisal of the cost of remodeling or renovation.

545.6-9 Urban renewal loans and investments.

(a) *General.* A Federal association may invest in real property, or interests in real property, located within any urban renewal area as defined in paragraph (a) of section 110 of the Housing Act of 1949, as amended, and

in loans and other obligations secured by first liens on real property so located.

(b) *Investments in loans.* Loans under this section shall conform to all applicable limitations in this part 545, with the following exceptions:

(1) A monthly installment loan on other improved real estate, other dwelling units, or combination of dwelling units, including homes, and business property involving only minor or incidental business use may be repayable within 30 years and may be for an amount not exceeding 80 percent of the value thereof.

(2) A loan on a home, combination of home and business property, other dwelling units, or combination of dwelling units, including homes, and business property involving only minor or incidental business use, shall not be subject to any lending limitations of this part 545 with respect to amount per dwelling unit.

(3) Participations in loans may be made in accordance with paragraph (e) of this section.

(4) A construction loan on (i) other dwelling units, (ii) a combination of dwelling units, including homes, and business property involving only minor or incidental business use, or (iii) other improved real estate, or any combination thereof, which otherwise meets the requirements of §§ 545.6-3(d)(4)(i) and (ii), may be made for a term up to 60 months.

(c) *Investments in other obligations secured by first lien.* An association may invest under this section in other obligations secured by first lien on one or more of the following: other improved real estate, other dwelling units, and combinations of dwelling units, including homes, and business property involving only minor or incidental business use. Such investment shall be subject to the following requirements: (1) The total amount of obligations secured by any such first lien shall not exceed 80 percent of the value of the security property, and the obligation shall mature within 30 years; (2) No obligation shall be purchased under this subsection unless the instruments representing the obligation provide for substantially equal payments, at least annually, which would retire the total indebtedness, including interest, within the maximum period of maturity prescribed in this paragraph, the periodic payments of principal to be made in direct reduction of the outstanding obligations; (3) The value of the security property shall be determined by an appraisal (i) made by a qualified person designated by the association's board of directors or (ii) offered by the issuer of the obligations and made by a person whom the association's board of directors determines to be qualified; and (4) The security property shall be located within the association's regular lending area.

(d) *Investments in real property.* An association may make an investment under this section in real property, or in an interest in real property, located within its regular lending area in an amount not in excess of the amount of an appraisal made by a qualified person designated by the association's board of directors, plus usual settlement costs.

(e) *Participations.* An investment which an association may make under this section it may also make in participation with other financial institutions, private corporations, or individuals, except that the association shall comply with the provisions of Subchapter D regarding participations in loans on the security of real estate located more than 50 miles from the association's home office. Section 545.8(a) does not apply to participation interests in loans under this section, but any sale of a participating interest in any loan shall be without recourse.

(f) *Percent-of-assets limitation on investments.* (1) An association shall make no investment under this section in real property, or interests in real property, if the amount of the investment plus the amount outstanding in such investments under this section would total more than 2 percent of the association's assets. No investment under this section in a loan or other obligation secured by first lien on real property shall be made if the amount of the investment, plus the amount outstanding in all investments under this section, would total more than 5 percent of the association's assets. An investment in a loan on the security of a first lien on real property located in an urban renewal area, as defined in section 110(a) of the Housing Act of 1949, as amended, shall not be subject to the 5-percent-of-assets limitation in this subsection if the investment is authorized by, and is within limitations of, provisions of this part 545 other than this section.

(2) In determining the total amount of investments subject to the 2-percent-of-assets limitation in subparagraph (1) of this paragraph (f), the following rules shall apply: (i) A reasonable allowance for depreciation computed under the straight-line method may be deducted from the cost of improved real property or investments in improved real property owned by the association; (ii) If a leasehold interest in land is acquired, the amount of the investment as to rental obligations under the lease shall be determined on the basis of the "present value of an annuity due," and for the purpose of such determination, the worth of money shall be deemed to be 6 percent; and (iii) The investment in improvements to land in which the association has a leasehold interest shall be the cost to the association of the improvement, less reasonable allowances for amortization computed under the straight-line method.

§ 545.6-10 Loans guaranteed under the Foreign Assistance Act of 1961.

(a) *General.* Without regard to any other section of this Part, a Federal association may invest in any of the following loans, or any interest therein: (1) Housing project loans with any guaranty under section 221 of the Foreign Assistance Act of 1961, as in effect before December 30, 1969; (2) Loans with any guaranty under section 224 of that act, as in effect before December 30, 1969; or (3) Loans with any guaranty under section 221 or 222 of that act, as in effect after December 29, 1969.

(b) *Requirements.* No association may invest in any loans, or interests therein, under this section, unless—

(1) The loan agreement (i) specifies what constitutes an event of default, and (ii) provides that upon default in payment of principal or interest under such agreement, the entire amount of the outstanding indebtedness thereunder shall become immediately due and payable, at the lender's option; and

(2) The contract of guaranty (i) covers 100 percent of any loss of investment thereunder, except for any portion of the loan arising out of fraud or misrepresentation for which the party seeking payment is responsible, and (ii) provides that the guarantor shall pay for any such loss in U.S. dollars within a specified reasonable time after the date of application for payment.

(c) *Percentage-of-assets limitation.* No Federal association shall invest in any loan, or interest therein, under this section if, as a result of such investment, the aggregate outstanding principal amount of such investment of the association would exceed 1 percent of its assets.

§ 545.6-11 Nonconforming secured loans and loans without requirement of security.

(a) *Definitions.* As used in this section—(1) The terms "scheduled items" and "specified assets" have the meanings prescribed in §§ 561.15 and 561.17 of this chapter.

(2) The term "residential real property" means real estate (i) improved by a structure(s) designed for residential use, and (ii) having at least 80 percent of its total value comprised of the land and improvements attributable to such residential use, but shall not include mobile homes or the real estate on which they are situated.

(b) *Loans without requirement of security—general.* Without regard to any other provision of this part but subject to the percentage-of-assets limita-

tion in subsection (f), a Federal association may, after its board of directors adopts such a loan plan, invest in loans of the following type:

(1) Any loans, with or without security, for property alteration, repair, or improvement, or for equipping residential real property, if the following requirements are met: (i) With respect to the same property alteration, repair, or improvement, the net proceeds of any such loan investment made under this paragraph (b)(1) do not exceed $15,000; (ii) With respect to any such loan investment for equipping residential real property, the net proceeds of the loan investment plus the aggregate of the unpaid net proceeds of all other of the association's outstanding equipping loan investments relating to the same property, made under this paragraph (b)(1) do not exceed $15,000; (iii) The property is located in the association's regular lending area; (iv) The loan is evidenced by one or more written evidences of debt; (v) The loan is repayable in equal weekly, bi-weekly, monthly, bimonthly, or quarterly installments with the first installment due no later than 120 days from the date the loan is made and the final installment is due no later than 15 years and 32 days from such date. However, the loan contract may provide for a first and/or final installment in an amount other than that of the regular installment, but such installment shall not be less than one-half of, nor more than one and one-half times, the amount of the regular installment; and (vi) Investment in a loan for equipping residential real property meets the additional percentage-of-assets limitation in paragraph (f)(2).

(2) Any loan insured under title I of the National Housing Act and any home improvement loan insured under title II of that act, if the property to which such loan relates is located within the association's regular lending area.

(3) Any unsecured loan insured or guaranteed under the Servicemen's Readjustment Act of 1941 or under chapter 37 of title 38, United States Code.

(c) *Loans without requirement of security—for construction purposes.* (1) In addition to loans in which it may invest under paragraph (b), after its board of directors adopts such a loan plan, an association meeting the scheduled items requirements and net worth requirements of subsection (e) may, subject to the percentage-of-assets limitation in subsection (f), invest in loans directly for constructing, adding to, improving, altering, repairing, equipping, or furnishing what is or is to become residential real property, where the association relies substantially for repayment on (i) the borrower's general credit standing and forecast of income, with or without other security or (ii) other assurances of repayment (including a third-party guaranty or similar obligations).

(2) No loan shall be made under this paragraph (c) with respect to residential real property located outside the association's regular lending area.

(3) Such loans shall be fully documented to establish: (i) The purpose of the loan; (ii) The source and reliability or repayment; (iii) The reputation and proven capacity of the borrower; and (iv) The quality of the security interest in any security for the loan other than real estate.

(4) Additional documentation shall include: (i) If the loan is for a business purpose, full financial statements (audited except in the most exceptional cases) of the borrower or the borrower's predecessor for 3 years before the loan; (ii) If the loan is for a business purpose, income forecasts, projections, cash flow statements, and budgets; (iii) Anything else necessary to establish the soundness of the loan; and (iv) Controls to ensure that actions on which the association relies are proceeding as scheduled.

(5) Loans may be made under this section for financing purchase of modular units to be installed by the borrower, including financing shipping, insurance, and similar costs related to cash purchase.

(d) *Nonconforming secured loans.* (1) A Federal association meeting the scheduled items requirements and net worth requirements of paragraph (e) may, subject to the percentage-of-assets limitations in paragraph (f), invest in loans, advances of credit, and interests therein, secured by residential real property and real property used or to be used for commercial farming enterprises, which are not otherwise authorized under this part because of the following reasons: (i) The security interest is not a first lien; (ii) the loan-to-value ratio, stated maturity, or loan amount exceeds maximum prescribed limits; (iii) lack of any required borrower certification or required private mortgage insurance; (iv) unavailability of the percentage-of-assets category under § 545.8-7; or (v) a combination of such factors.

(2) An investment made under this section shall be fully documented to show that it was made on a prudent basis.

(3) Investments deemed not to have been made under this subsection include investments: (i) Authorized under other regulatory authority; (ii) made under authority of this section but later authoried to be made under other authority; and (iii) made under other authority that was subsequently revoked.

(4) For purposes of this section, a loan will be deemed unsecured to the extent that it exceeds the value or purchase price of the security therefor, whichever is less, at the time the investment is made.

(e) *Requirements for investment under subsections (c) and (d).* An association may invest under subsections (c) and (d) only if: (i) except as provided in paragraph (g), it has scheduled items (other than assets acquired in a merger instituted for supervisory reasons) not exceeding 2.5 percent of specified assets; and (ii) its net worth conforms to the requirements of § 563.13(b) of this chapter (associations insued for less than 2 years must meet net-worth requirements for those insured for 2 years).

(f) *Percentage of assets limitations.* An association shall not invest under this section if such investment would cause the association's aggregate investments thereunder to exceed any of the following maximum percentages of the association's assets: (1) Investments under paragraph (b)—20 percent; (2) Investments in equipping loans under subsection (b)—5 percent; (3) Investments under paragraph (c)—2 percent, plus any additional investments authorized under paragraph (5); (4) Investments under subsection (d)—2 percent, plus any additional investment authorized under paragraph (5); (5) An association may make further investments in loans under paragraphs (c) and (d) equal to one percent (or fraction thereof) of net worth in excess of the greater of (i) 5 percent of withdrawable accounts or (ii) net worth as required under § 563.13(b), but such further investment shall not cause a total investment in excess of 5 percent of assets in such loans.

(g) *Exception from scheduled-items limitation in subsection (e).* An association with net worth of at least the greater of (i) 5 percent of withdrawable accounts or (ii) as required under § 563.13(b) may apply to the board for an exception from the scheduled items limitation in paragraphs (c) and (d). The application shall be supported by appropriate information evidencing the association's sound investment, lending, appraisal, and underwriting policies and favorable operating results; it shall be filed with the Principal Supervisory Agent, with a copy to the Director, Office of Examinations and Supervision. The application will be deemed approved if, after 30 calendar days from the date the Principal Supervisory Agent receives it, the Principal Supervisory Agent has not notified the applicant that approval is withheld. If such approval is withheld, the Principal Supervisory Agent shall promptly cause the application to be submitted to the Board for its decision. After receiving the application, the Principal Supervisory Agent may request additional information but need not consider any such information received less than 5 calendar days before the end of the 30 day period.

§ 545.7 **Loans on savings accounts.**

A Federal association may make loans on the security of its savings accounts, whether or not the borrower is the owner of the account, if the association obtains a lien on, or a pledge of, such accounts as security therefor. Such a loan shall not exceed the withdrawal amount of the savings account or the maximum percentage thereof which the association is authorized by its charter to lend on such security, whichever is less, and shall not be made with the association has any unpaid application for withdrawal on file more than 30 days.

§ 545.7-1 **Loans on securities.**

A Federal association may invest in loans secured by obligations of, or fully guaranteed as to the principal and interest by, the United States or any agency or instrumentality of the United States named in § 523.19(g)(3) of this chapter if:

(a) The borrower is a financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or is a broker or dealer registered with the Securities and Exchange Commission; and

(b) The market value of the securities for each loan at least equals the amount of the loan at the time it is made.

§ 545.7-2 **Loans and investments relating to development of New Communities.**

(a) *General.* Notwithstanding any other provision of this Part, including any percentage-of-assets limitation, a Federal association may invest in loans or obligations, or interests therein, guaranteed in whole or in part or as to which a commitment or agreement for any such guaranty has been made under the New Communities Act of 1969 or under Part B of the Urban Growth and New Community Development Act of 1970, as now or hereafter in effect.

§ 545.7-3 **Loans to and investments in business development credit corporations and state housing corporations.**

Notwithstanding any other provision of this Part, a Federal association whose general reserves, surplus, and undivided profits aggregate more than 5 percent of its withdrawable accounts may invest in, lend to, or commit itself to lend to the following entities incorporated in the State in which the association's home office is located, in the same manner and to the same extent as the statutes of that state authorize a savings and loan association organized under the laws of that State to so invest, lend, or commit itself to lend:

(a) *Business development credit corporation.* The aggregate amount of investments, loans, and commitments to such a corporation outstanding at any time shall not exceed the lesser of one-half of one percent of the total outstanding loans of the association or $250,000 and;

(b) *State housing corporation.* The aggregate outstanding direct investment in securities made by the association under this subsection (b) shall not exceed one-fourth of one percent of the association's assets as of the time of the investment, and the aggregate outstanding investment in loans and loan commitments made by the association under this subsection (b) shall not exceed 5 percent of its net worth as of the time of the investment.

Loans and other investments made under this section shall not be included in percentage-of-assets limitations under § 545.8-7.

§ 545.7-4 **Educational loans.**

(a) Definitions used in this section—

(1) "College or university education"—education at an institution which provides an educational program for which it awards a bachelor's or higher degree, or provides at least a 2-year program which is acceptable for full credit toward such a degree.

(2) "Vocational education"—a course of study or training designed to increase the ability of a person to obtain or advance in employment of any kind.

(b) A Federal association may invest in loans, obligations, and advances of credit (all referred to herein as "loans") made for the payment of expenses of college or university education or of vocational education, if the principal amount of the investment and of all other investments in loans under this section, exclusive of any investment which is, or which at the time of its making was, otherwise authorized, would not exceed 5 percent of the association's assets. The borrower shall certify to the association that the loan proceeds are to be used solely by a student for payment of such expenses. The loan may be secured, partly secured, or unsecured, and the association may require a comaker(s), insurance, guaranty under a governmental student loan guarantee plan, or other protection.

§ 545.7-5 **Insured loans for title purchase.**

Without regard to any other provision of this Part, a Federal association may invest in loans, or interests therein, made for financing the purchase by homeowners of fee simply title to property on which their homes are located and as to which the association has benefit of insurance under section 240 of the National Housing Act, as amended, or of a commitment or agreement for such insurance.

§ 545.7-6 **Mobile home financing.**

(a) *Definitions used in this Part—*

(1) "Mobile home"—a movable dwelling constructed in one or more units to be occupied on land, having a minimum width of 10 feet, a minimum area of 400 square feet, and living facilities for year round occupancy by one family including permanent provision for eating, sleeping, cooking, and sanitation.

(2) "Mobile home chattel paper"—written evidence of a monetary obligation secured by a first lien on one or more mobile homes and any equipment installed or to be installed therein.

(b) *General.* A Federal association may, after its board of directors adopts a mobile home financing plan, invest in mobile home chattel paper (make or purchase whole loans or installment sale contracts on mobile homes).

(c) *Percent-of-assets limitation.* Investment may be made under this section only if the amount of the investment and all other such investments then outstanding does not exceed 10 percent of the association's assets at the time of the investment.

(d) *Inventory financing.* Such investment may finance acquisition of inventory by a mobile home dealer only if:

(1) The inventory is to be held for sale in the ordinary course of business by the dealer within the association's regular lending area; and

(2) The monetary obligation evidenced by the chattel paper is the dealer's obligation and the amount thereof does not, except as otherwise provided in paragraph (f), exceed:

(i) For new mobile homes, the total of (*a*) 100 percent of the manufacturer's invoice price of each mobile home (including any installed equipment), excluding freight, and (*b*) 100 percent of the manufacturer's invoice price of any new equipment to be installed in the mobile home by the dealer, excluding freight; or

(ii) For used mobile homes, 90 percent of the wholesale value of each such used mobile home (including any installed equipment) as established in the dealer's market.

(e) *Retail financing.* An association may invest in any retail mobile home chattel paper if the association's investment is insured or guaranteed, or the association has a commitment for such insurance or guarantee, under the National Housing Act or Chapter 37 of Title 38, United States Code, as amended, and if arrangements have been made for satisfactory local servicing of such chattel paper. The association may invest in other retail mobile home chattel paper only if:

(1) The mobile home is to be maintained as a residence of the owner (or beneficial owner), or a relative of such owner;

(2) The mobile home is located when the association invests in the chattel

paper, or is to be located within 90 days thereafter, at a mobile home park or other semipermanent site within the association's regular lending area;

(3) The amount of the monetary obligation evidenced by the chattel paper (exclusive of any time price differential or any interest, whether on an add-on, discount, or other gross charge basis) does not, except, as paragraph (f) otherwise provides, exceed the total of:

(i) The cost of appropriate insurance for protection of the association and the owner (or beneficial owner) of the mobile home;

(ii) Any sales or similar tax applicable to the retail purchase of the mobile home; and

(iii) For a new mobile home, (*a*) 100 percent of the manufacturer's invoice price of the mobile home (including any installed equipment), excluding freight, (*b*) 100 percent of the invoice price of the manufacturer of any new equipment installed or to be installed by the dealer, excluding freight, and (*c*) an amount not exceeding 10 percent of those amounts; or

(iv) For a used mobile home, 100 percent of its wholesale value (including any installed equipment) as established in the dealer's market by use of a valuation guide or appraisal; and

(4) The monetary obligation evidenced by such chattel paper is to be paid in substantially equal monthly installments within the following time limits:

(i) If the mobile home is new, up to 12 years (15 years for a mobile home having a minimum area of 400 square feet) from the date of the association's investment in the chattel paper; or

(ii) If the mobile home is used, up to the later of (*a*) 1 year from the date of the association's investment in the chattel paper or (*b*) 12 years from the model year of the mobile home.

(f) *Geographic exception.* If a new mobile home or new equipment to be installed by a mobile home dealer in a mobile home is shipped to a mobile home dealer in Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands from outside those areas, the monetary obligation referred to in paragraphs (d)(2) and (e)(3) of this section may include, in addition to the amount specified therein, an amount not exceeding 80 percent of freight on such shipment.

(g) *Sound investment practices.* Investments under this section shall be made in conformity with sound practices for such investment. The chattel paper shall include provisions for protection of the association specifically with respect to insurance, taxes, other governmental levies, maintenance and repairs, and for other protection that is lawful or appropriate. The association may pay taxes or other governmental levies, insurance premiums, or other similar charges to protect its security interest, and may, when lawful, add such payments to the monetary obligation evidenced by the chattel paper. The association shall seasonably perfect its security interest under applicable law.

§ 545.7-7 Purchase of participation interests in mobile home chattel paper.

(a) *General.* A Federal association may purchase, within the 10-percent-of-assets limitation in § 545.7-6(c), a participation interest in retail mobile home chattel paper which meets all requirements of § 545.7-6(e) except the lending area requirement in paragraph (2) thereof, if:

(1) The seller of the participation interest is an institution whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation which remains responsible for servicing the chattel paper;

(2) The seller maintains at least a 50 percent interest in the chattel paper; and

(3) The chattel paper is secured by a mobile home located, or to be located within 90 days thereafter, at a mobile home park or other semipermanent site within 100 miles of the home office or a branch office of the seller.

(b) *Failure to meet requirements.* If any requirement of paragraphs (1) and (2) of paragraph (a) ceases to be met, the association shall dispose of its participation interest within 90 days after learning that fact, unless it has, before the 90-day period expires, obtained written approval of the Board to maintain the investment for a longer period.

§ 545.7-8 Sale of mobile chattel paper.

All mobile home chattel paper and participation interests therein sold by a Federal association shall be sold without recourse (as defined with reference to a loan in § 561.8 of this chapter).

§ 545.7-9 Collateral loans.

An association may make collateral loans, secured by assignment of real estate loans, only if:

(a) The association could, under applicable law and regulations, make or purchase at par each assigned loan, based on a current association appraisal;

(b) The amount of the collateral loan does not exceed at any time 90 percent of the aggregate unpaid balance of the assigned loans;

(c) The assignment to the association provides that;

(1) All payments of principal and interest on the assigned loans shall be made directly to the association and applied to the outstanding unpaid balance of the collateral loan; and

(2) A default on any assigned loan shall constitute a default on the collateral loan and permit acceleration of the collateral loan's maturity; and

(d) The assignment is properly recorded and prior to any other lien of record on the assignor's interest in the assigned loans.

General Provisions Respecting Loans

§ 545.8 Participations

(a) *General.* Subject to § 545.8-7, a Federal association may participate with an approved lender (as defined in § 563.9(g) of this chapter) in making a loan secured by real estate or may purchase a participation interest in such a loan from such a lender, if the association could make the loan (counting only the association's interest in the loan toward percentage-of-assets or other percentage limitations). The association may sell a participation interest in a loan secured by real estate.

(b) *Exception.* Investments in urban renewal loans under § 545.6-9(b) may be made in participation with other than approved lenders, as § 545.6-9(e) permits.

(c) *Board approval.* A Federal association may engage in a participation transaction not permitted by subsection (a) only after receiving written approval from the Board. A loan in which the association, with such approval, participates or purchases a participation interest may be repayable in accordance with the approval, notwithstanding any other provision of this Part.

§ 545.8-1 Purchase of loans.

(a) *General.* A Federal association may purchase any loan it may make, unless expressly prohibited by other provisions of this Part, and may purchase any insured loan regardless of the location of the security property at an investment of no more than the sum of (1) $60,000 ($90,000 for dwellings, in Alaska, Guam, or Hawaii) for each single-family dwelling, (2) an amount per dwelling unit within limits prescribed in or under section 207(c)(3) of the National Housing Act, as amended, and (3) the percentage of value acceptable to the insuring agency of the part of the security property not attributable to dwelling use.

(b) *Purchase from Federal Savings and Loan Insurance* Corporation. In addition to loans purchased under subsection (a), an association may, without regard to any other provision of this Part except § 545.8-7, purchase from the Federal Savings and Loan Insurance Corporation any loan on the security of a first lien on improved real estate if a portion of the loan is guaranteed by such Corporation under a guaranty contract made by such

Corporation with the purchasing association.

§ 545.8-2 Initial loan charge.

Except as provided in § 563.35(d) of this chapter, a Federal association may require a borrower to pay necessary initial charges connected with making a loan, including the actual costs of title examination, appraisal, credit report, survey, drawing of papers, loan closing, and other necessary incidental services and costs, in such reasonable amounts as the board of directors may fix. The association may collect the charges from the borrower and pay the persons rendering services.

§ 545.8-3 Loan contract.

(a) *Required and authorized provisions.* Each loan shall be evidence by note, bond, or other instrument and be secured by a security instrument which is consistent with sound lending practices. Loan instruments shall comply with applicable provisions of law, governmental rules and regulations, and the association's charter and bylaws, and provide for full protection to the Federal association. They shall be recorded and, among other protections, shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs. They may provide for an assignment of rents. The association may pay taxes, assessments, insurance premiums, and other similar charges for protection of its interest in the security property. If such payments are consistent with this Part, they may be added to the unpaid balance of the loan. The association may require life insurance to be assigned to it by the borrower as additional collateral for a loan on the security of real estate. It may advance premiums on such life insurance and, if consistent with this Part, add the premiums so advanced to the unpaid balance of the loan. A Federal association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which it has loans or which it owns.

(b) *Escrow accounts.* An association may require that all or any part of the estimated annual taxes, assessments, insurance premiums, and other charges on any loan be paid in advance to the association in addition to interest and principal payments on the loan, to enable the association to pay such charges as they become due. With regard to any loan on the security of a home, made in whole or in part by the association, the association shall not require that the borrower:

(1) Deposit in any escrow account established to assure payment of taxes, assessments, insurance premiums, and other charges, before or on the date of settlement, an aggregate sum in excess of—

(i) In any jurisdiction where such charges are post paid, the total amount of such charges which will actually be due and payable on the date of the settlement and the pro rata portion thereof which has accrued, plus one-twelfth of the estimated total amount of such charges which will become due and payable during the twelve-month period beginning on the date of settlement; or

(ii) In any jurisdiction where such charges are prepaid, a pro rata portion of the estimated charges corresponding to the number of months from the last date of payment to the date of settlement plus one-twelfth of the estimated total amount of such charges which will become due and payable during the twelve-month period beginning on the date of settlement; or

(2) Deposit in any such escrow account in any month beginning after the date of settlement a sum (for the purpose of assuring payment of such charges) in excess of one-twelfth of the total amount of estimated charges which will become due and payable during the twelve-month period beginning on the first day of such month, except that, if the association determines there will be a deficiency on the due date, it may require additional monthly deposits of pro rata portions of the deficiency corresponding to the number of months from the date of the association's determination of such deficiency to the date upon which such charges become due and payable.

(c) *Payment of interest on escrow accounts.* (1) An association shall pay interest on an escrow account maintained in connection with a loan, if:

(i) The loan is on the security of a single-family dwelling occupied or to be occupied by the borrower;

(ii) The loan was made after June 15, 1975, and no bona fide loan commitment was made before that date; and

(iii) A specific statutory provision(s) of the State in which the security property is located generally requires State-chartered savings and loan associations, mutual savings banks, and similar institutions to pay such interest.

(2) The interest rate shall at least equal the rate required for such State-chartered institutions but shall not exceed the rate the Federal association pays on regular accounts.

(3) Unless obligated by contract, a Federal association shall have no obligation, other then under this subsection (c), to pay interest on escrow accounts.

(d) *Late charges.* An association's loan instruments may, as a matter of contract between it and the borrower, provide for assessment, imposition, and collection of a late charge respecting payment of any delinquent periodic installment payment. The charge may be in the form of an increased rate of interest on the unpaid balance of the loan (or a part thereof) for the period of delinquency, a percentage of the delinquent periodic installment payment (or a part thereof), a fixed dollar amount, or such other form as may be necessary and appropriate to fully protect the association. No form of such late charge shall be considered as interest to the association. The association shall not deduct late charges from regular periodic installment payments on the loan, but shall collect them from the borrower. Except as provided in paragraph (e) of this section regarding loans made after July 31, 1976, on the security of a home occupied or to be occupied by the borrower, assessment, imposition, and collection of such late charges shall be exclusively governed by the terms of the loan contract. Collection of a late charge shall not impair, alter, or abrogate any other right of the association granted by contract or law respecting delinquent installment payments.

(e) *Limitations on late charges.* (1) With respect to any loan made after July 31, 1976, on the security of a home occupied or to be occupied by the borrower, no late charge, regardless of form, shall be assessed or collected by a Federal association:

(i) As to any periodic installment payment received by it within 15 days after the due date of such payment (if such period ends on a weekend or holiday it shall be extended to the next business day);

(ii) In a dollar amount exceeding 5 percent of the aggregate amount of principal and interest included in the delinquent periodic installment payment and in no case exceeding the amount prescribed in the loan contract;

(iii) Unless any monthly billing, coupon, or notice the association may provide regarding installment payments due on the loan discloses the date after which the charge may be assessed; or

(iv) More than one time for late payment of the same installment.

(2) Any installment payment made by the borrower shall be applied to the longest outstanding installment due.

(3) A Federal association, in an appropriate case, may elect to waive all or any portion of an authorized late charge.

(f) *Due-on-sale clauses.* An association's loan instruments may, as a matter of contract between it and the borrower, provide for the association, at its option, to declare immediately due and payable sums secured by such instrument if all or part of the real property securing the loan is sold or

transferred by the borrower without the association's prior written consent. Except as provided in paragraph (g) of this section with respect to loans made after July 31, 1976, on the security of a home occupied or to be occupied by the borrower, exercise by the association of such option (hereafter called a due-on-sale clause) shall be exclusively governed by the terms of the loan contract, and all rights and remedies of the association and borrower shall be fixed and governed by that contract.

(g) *Limitations on the exercise of due-on-sale clauses.* With respect to any loan made after July 31, 1976, on the security of a home occupied or to be occupied by the borrower, a Federal association (1) shall not exercise a due-on-sale clause because of (i) creation of a lien or other encumbrance subordinate to the association's security instrument, (ii) creation of a purchase money security interest for household appliances; (iii) transfer by devise, descent, or operation of law on the death of a joint tenant; or (iv) granting of a leasehold interest of three years or less not containing an option to purchase; (2) shall not impose a prepayment charge or equivalent fee for acceleration of the loan by exercise of a due-on-sale clause; and (3) waives its option to exercise a due-on-sale clause as to a specific transfer if, before the transfer, the association and the person to whom the property is to be sold or transfered (the existing borrower's successor in interest) agree in writing that the person's credit is satisfactory to the association and that interest on sums secured by the association's security interest will be payable at a rate the association shall request. Upon such agreement and resultant waiver the association shall release the existing borrower from all obligations under the loan instruments, and the association is deemed to have made a new loan to the existing borrower's successor in interest.

§ 545.8-4 Servicing of loans.

A Federal association may, except as otherwise limited by regulation, service any loan which it owns or in which it has a participation interest. It may also service for others any loan in which—

(a) It has owned any interest at any time;

(b) Any of its members owns any interest;

(c) A service corporation of the association owns any interest;

(d) The Federal Savings and Loan Insurance Corporation, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the Government National Mortgage Association has owned any interest at any time;

(e) The Federal Savings and Loan Insurance Corporation holds any interest as conservator, receiver, or other legal custodian of an institution it insures (whether or not the institution is in default); or

(f) An institution insured by such Corporation owns any interest acquired under § 563.9 or § 563.9-1 of this chapter.

§ 545.8-5 Loan payments.

(a) *Initial payments on monthly installment basis and flexible payment loans.* Payments on loans made under §§ 545.6-2 and 545.6-3(a) shall begin not later than 60 days after the loan is disbursed. If such loans include construction, substantial alteration, repair, or improvement loans, payments may begin not later than 36 months (18 months for loans secured by real estate consisting solely of one or more homes or combination of home and business property) after the date of the first disbursement, and interest shall be payable at least semiannually until regular periodic payments become due.

(b) *Loan payments and prepayments.* Payments on the principal indebtedness of all loans on real estate shall be applied directly to reduction of such indebtedness, but prepayments made on an installment loan may be reapplied from time to time wholly or partly to offset payments which subsequently accrue under the loan contract. A borrower on a loan secured by a home or combination of home and business property may prepay the loan without penalty unless the loan contract expressly provides for a prepayment penalty. The prepayment penalty for a loan secured by a home occupied or to be occupied in whole or in part by a borrower shall not be more than 6 months' advance interest on that part of the aggregate amount of all prepayments made on such loan in any 12 month period which exceeds 20 percent of the original principal amount of the loan.

§ 545.8-6 Lending area.

A Federal association's regular lending area consists of the area: (a) Within the State in which the association's home office is located; (b) outside that State but within 100 miles of the association's home office; and (c) in the case of a Federal association converted from a State-chartered institution, outside the areas specified in paragraphs (a) and (b) but within which the association made loans before its conversion. An association desiring to make loans in areas (counties, parishes, or other political subdivisions of the State) prescribed in (c) shall provide the Board a map showing those areas.

§ 545.8-7 Percentage limitation on real estate loan investments.

(a) *Loan investments not subject to percentage limitation.* The following investments by a Federal association in loans on the security of real estate shall not be subject to any percentage-of-assets or percentage-of-savings-accounts limitation:

(1) A loan secured by a single family dwelling, or a home or combination of home and business property, except a loan:

(i) Secured by property located beyond the association's regular lending area;

(ii) In excess of $60,000 for any single family dwelling ($90,000 for single-family dwellings in Alaska, Guam, or Hawaii), to the extent of such excess;

(iii) In excess of the amount prescribed in or under section 207(c)(3) of the National Housing Act for any dwelling unit in a home or combination of home and business property which is not a single-family dwelling, to the extent of such excess;

(iv) To facilitate a trade-in or exchange under § 545.6-3(d)(5);

(v) On a single-family dwelling made under §§ 545.6-2(a) (2) or (3), as long as the loan is in excess of 80 percent of the value or purchase price of the security property, determined at the time the loan was made, whichever is less;

(2) A guaranteed loan (without regard to the location of the security property) in any amount if at least 20 percent of the loan is guaranteed;

(3) An insured loan which is purchased (without regard to the location of the security property) and which does not exceed (i) $60,000 for a single-family dwelling or (ii) the amount prescribed in or under section 207(c)(3) of the National Housing Act for any dwelling unit in any home or combination of home and business property which is not a single-family dwelling;

(4) An insured loan to finance land development under § 545.6-6;

(5) A loan guaranteed under the New Communities Act of 1968 made under § 545.7-2;

(6) A participation interest in any insured or guaranteed loan (without regard to the location or type of the security property), and a participation interest in any loan specified in subparagraph (1) through (5) of this paragraph to the extent such loan is not subject to any percentage limitation; and

(7) A loan, or participation interest in a loan, on the security of other dwelling units, including homes, and business property involving only minor or incidental business use—

(i) If the security property is located within the association's regular lending area; and

(ii) To the extent that the amount of such loan does not exceed, for any dwelling unit therein, the amount prescribed in or under section 207(c)(3) of the National Housing Act.

(b) *Percentage limitations for specific types of loans.* Loan investments made under sections containing specific percentage limitations shall be subject to those limitations. Those sections are: § 545.6-2(a) (2) and (3) (loans on single-family or two-family dwellings), § 545.6-3(d)(5) (loans to facilitate trade-in or exchange), § 545.6-4 (developed building lot loans), § 545.6-5 (land acquisition and development loans), § 545.6-7 (loans for housing for the aging), § 545.6-9 (urban renewal loans), § 545.6-10 (loans guaranteed under the Foreign Assistance Act of 1961) and § 545.6-11(d) (non-conforming secured loans). However, whenever the terms of a loan investment under §§ 545.6-7, 545.6-9, or 545.6-11(d) meet the requirements for a loan under §§ 545.6-2 or 545.6-3, the loan shall be allocated only to the applicable percentage-limitation category in subsection (c) of this section, and if the loan meets the requirements of subsection (a) of this section, it shall not be allocated to any percentage-limitation category. A loan investment under § 545.6-2(a) (2) or (3) (a loan on a single-family or two-family dwelling in excess of 80 percent of value) within the association's regular lending area may be released from its percentage-limitation category when the loan balance has been reduced to not more than the percent of value permitted under the applicable provision. A loan investment under § 545.6-2(b)(2) on a cooperative housing project may be released from the percentage-limitation categories of § 545.6-2(a) (2) and (3) when the loan balance has been reduced to not more than the value permitted under the applicable provision, but (1) the amount by which such loan exceeds, for any dwelling unit therein, an amount prescribed in or under section 207(c)(3) of the National Housing Act, shall be included in an appropriate percentage-limitation category of paragraph (c) of this section, and (2) such loan shall be entirely included within the percentage-limitation category specified in paragraph (c)(1) of this section if it is located outside the association's regular lending area.

(c) *Percentage limitations for other loans.* Except as specified in paragraphs (a) and (b) of this section, no Federal association may make any investment in a real estate loan unless the amount of such investment can be allocated within one of the percentage-limitation categories specified in this paragraph. In the case of a loan investment specified as allocable to more than one of the categories, all or part of any allocation to one of such categories may be allocated at any time to the other applicable category.

(1) *General 20-percent-of-assets category.* The following investments, not to exceed at any one time an amount equal to 20 percent of the association's assets, are allocable to this category:

(i) Any loan on the security of other improved real estate, without regard to the location of the security property;

(ii) Any loan on the security of a single-family dwelling—

(*a*) To the extent such loan exceeds the amount stated in paragraph (a)(1)(ii) of this section, or

(*b*) If the security property is located beyond the association's regular lending area.

(iii) Any loan secured by a home or combination of home and business property, or other dwelling units or a combination of other dwelling units, including homes, and business property involving only minor or incidental business use—

(*a*) To the extent the amount of such loan exceeds, for any dwelling unit in any such security property which is not a single-family dwelling, the amount prescribed in or under section 207(c)(3) of the National Housing Act; or

(*b*) If the security property is located beyond the association's regular lending area.

(iv) Any participation interest in any loan specified in this paragraph (1).

(2) *Participation 20-percent-of-assets category.* This category includes participation interests in loans described in subparagraphs (c)(1) (ii) and (iii) of this section.

(d) *Inclusion of REO in percentage limitations.* Any real estate security for an investment allocated to a percentage-limitation category under subsection (b) or (c) of this section, or participation interest in such security, which the Federal association acquires by foreclosure or otherwise, shall be allocated to that percentage-limitation category until disposed of for cash. Any investment in an extension of credit in connection with its disposition shall also be allocated to such percentage-limitation category unless and until the extension of credit constitutes a loan investment specified in paragraph (a) of this section as free from allocation to percentage-limitation categories.

(e) *Records.* Each Federal association shall earmark all investments specified in paragraphs (b), (c), and (d) of this section, so that it can determine total investments allocable to any percentage-limitation category.

(f) *Compliance with Rules and Regulations for Insurance of Accounts.* Federal associations shall comply with provisions in subsection D of this chapter regarding loans on the security of real estate.

§ 545.8-8 Appraisals.

A Federal association may make a loan secured by real estate only after a qualified person designated by its board has submitted a signed appraisal of the security property, except that an insured or guaranteed loan may be made on the basis of a valuation of the security property furnished to the association by the insuring or guaranteeing agency.

§ 545.8-9 Equalization of interest rates.

Any loan contract made under §§ 545.7-4, 545.7-6, or 545.6-11 (b) or (c) may provide for charging any time price differential or any interest (whether on an add-on, discount, gross charge, or other similar basis) permitted to be charged on the same type of loan by a building and loan, savings and loan, homestead association, cooperative bank, or mutual savings bank organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the lending Federal association is located.

§ 545.8-10 Mortgage transactions with the Federal Home Loan Mortgage Corporation.

Without regard to any other provisions of this part, a Federal association may enter into and perform any mortgage transaction with the Federal Home Loan Mortgage Corporation specified in section 305(a) of the Federal Home Loan Mortgage Corporation Act. For purposes of this section, the term "mortgage" shall have the meaning prescribed in section 302(d) of such act.

§ 545.8-11 Gold transactions.

No Federal association shall engage in any transaction or activity involving gold (including gold coins) or gold-related instruments or securities.

OTHER INVESTMENTS

§ 545.9 Securities and other investments.

A Federal association may invest in:

(a) Assets which qualify as liquid assets, as defined in § 523.10(g) of this chapter, and assets, other than time deposits and bankers' acceptances, which would so qualify except for the maturity limitations in that paragraph;

(b) Obligations fully guaranteed as to principal and interest by the United States;

(c) Securities guaranteed by the Government National Mortgage Association under section 306(g) of the National Housing Act, as amended;

(d) Obligations of, or participations or other instruments fully guaranteed as to principal and interest by, the Federal Home Loan Mortgage Corporation;

(e) General obligations (without regard to investment-service rating) of any political subdivision of a State (including the District of Columbia, Puerto Rico, and the possessions of the United States) if the association's home office or a branch office is locat-

ed in such political subdivision, and the association's aggregate investment in such obligations does not exceed 1 percent of its assets;

(f) The stock of a Federal Home Loan Bank or the Federal National Mortgage Association; and

(g) Obligations or other instruments or securities of the Student Loan Marketing Association.

§ 545.9-1 Service corporations.

(a) *Definitions.* As used in this section—

(1) "Aggregate outstanding investment" means the sum of amounts paid to acquire capital stock or securities and amounts invested in obligations of service corporations less amounts received from the sale of capital stock or securities of service corporations and amounts paid to the association to retire obligations of service corporations.

(2) "Conforming loans" means a loan or portion thereof which a Federal association may make under any provision of this part other than this section, except loans made under §§ 545.6-11 (c) and (d). A guarantee or take-out commitment of a loan which could have been made by a Federal association as a conforming loan may be deemed a conforming loan for purposes of this section if the Federal association complies with all requirements of this chapter, including appraisal and recordkeeping requirements, as though it were itself making the loan subject to its guarantee or take-out commitment.

(3) "Consumer loan" means a loan to one or more individuals, unsecured or secured by goods used or bought primarily for personal, family, or household purposes.

(4) "Insured institution" has the meaning prescribed in § 561.1 of this chapter.

(5) "Joint venture" means any joint undertaking by a service corporation or a wholly owned subsidiary thereof with one or more persons or legal entities in any form, including a joint tenancy, tenancy in common, or partnership and including investment in a corporation other than a wholly owned subsidiary.

(6) "Scheduled items" and "specified assets" have the meanings prescribed in §§ 561.15 and 561.17 of this chapter.

(7) "Subsidiary" includes a wholly-owned subsidiary and any joint venture in which a service corporation or wholly-owned subsidiary thereof (i) owns, controls, or holds with power to vote more than 25 percent of the capital stock, (ii) is a general partner, or (iii) is a limited partner and has contributed more than 25 percent of the limited partnership's capital.

(8) "Unsecured debt" and "unsecured loan" exclude accounts payable incurred in the ordinary course of business and paid within 60 days.

(b) *General service corporations.* A Federal association may invest in the capital stock, obligations, or other securities of a service corporation organized under the laws of the State (including District, Commonwealth, territory, or possession) in which the association's home office is located if:

(1) The service corporation's entire capital stock is available for purchase, by and only by, any and all savings and loan associations with a home office in such State, and the capital stock is owned by more than one savings and loan association;

(2) No savings and loan association owns, or may own, more than 10 percent of the service corporation's outstanding capital stock, except that in any State in which the home office of less than 15 savings and loan associations are located, no association owns, or may own, more than one-third of such stock.

(3) Every eligible association may own an equal amount of such stock or may, on such uniform basis as the corporation may determine, own an amount of such stock equaling a stated percentage of its assets or savings capital at the time it purchases any such stock, but capital stock outstanding on December 31, 1964, may be disregarded in determining compliance with this requirement.

(4) Substantially all of the service corporation's activities, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist of one or more of the following:

(i) Originating, purchasing, selling, and servicing, any of the following:

(*a*) Loans, and participations in loans, on a prudent basis and secured by real estate or first liens on mobile homes, including brokerage and warehousing of such loans;

(*b*) Loans, with or without security, for altering, repairing, improving, equipping, or furnishing residential real estate;

(*c*) Educational loans; and

(*d*) Consumer loans;

(ii) Making any of the following kinds of investments:

(*a*) Investments specified in §§ 545.9 and 545.9-3; or

(*b*) Investments in savings accounts in an insured institution which is a stockholder in the service corporation, if the service corporation receives no consideration, other than interest at the current market rate, for opening or maintaining any such account;

(iii) Performing the following services, primarily for savings and loan associations:

(*a*) Clerical services, accounting, data processing, and internal auditing;

(*b*) Credit information, appraising, construction lkan inspection, and abstracting;

(*c*) Development and administration of personnel benefit program, including life insurance, health insurance, and pension or retirement plans;

(*d*) Research, studies, and surveys;

(*e*) Purchasing office supplies, furniture, and equipment;

(*f*) Developing and operating storage facilities for microfilm or other duplicate records;

(*g*) Advertising and other services to procure and retain both savings accounts and loans;

(iv) Acquiring unimproved real estate for prompt development and subdivision, principally for construction of housing or for resale to others for such construction, or for use as mobile homesites. However, if the total cost to the service corporation to purchase, develop, subdivide, and construct improvements on such real estate exceeds 20 percent of its assets, it shall notify the District Director—Examinations in whose district its parent association is located within 30 days after such acquisition. Notification shall include the number of lots or acres involved and the project's name, location, estimated completion date, and total projected cost including dollar involvement of the service corporation.

(v) Developing, subdividing, and constructing improvements (including improvements to be used for commercial purposes, when incidental to a housing project) for sale or for rental on, real estate referred to in subparagraph (iv). However, such development, subdivision, and construction of improvements must be completed within 3 years after commencement of development of such real estate and within 5 years after acquisition of the real estate, unless such period is subsequently extended by the Board upon written application by the service corporation. Acquisition of an option to purchase is not an acquisition for the purpose of determining such period.

(vi) Acquiring improved residential real estate and mobile homes to be held for rental;

(vii) Acquiring improved residential real estate for remodeling, renovating, or demolishing and rebuilding for sale or for rental;

(viii) Maintaining and managing rental real estate referred to in subparagraphs (v), (vi), and (vii) and any real estate owned by holders of its capital stock;

(ix) Serving as insurance broker or agent, primarily dealing in policies for savings and loan associations, their borrowers and accountholders, which provide protection such as homeowner's, fire, theft, automobile, life, health, accident, and title but excluding private mortgage insurance;

(x) Serving as escrow agent or as trustee under deeds of trust;

(xi) Preparing State and Federal tax returns for accountholders of or borrowers from a stockholder of the serv-

ice corporation (including their family members but not including an accountholder or borrower which is a corporation operated for profit);

(xii) Acquiring, maintaining, and managing real estate (improved or unimproved) to be used for offices and related facilities of a stockholder of the service corporation, or for such offices and related facilities and for rental or sale, if such acquisition, maintenance, and management is performed under a prudent program of property acquisition to meet either the stockholder's present needs or reasonable future needs for office and related facilities. However, without prior approval of the board, no service corporation shall acquire such real estate if, as a result of the acquisition, the outstanding aggregate book value of all such real estate owned by the stockholder and its service corporations would exceed their consolidated net worth;

(xiii) Activities reasonably incident to those listed in subparagraphs (i) through (xii), and such other activities reasonably related to the activities of Federal associations as the Board may approve.

(c) *Other service corporations.* In addition to investment in service corporations under paragraph (b), a Federal association may invest in the capital stock, or other securities of a service corporation organized under the laws of the State in which the home office of the association is located if:

(1) The corporation's entire capital stock is held by one or more savings and loan associations with a home office in such State;

(2) The activities of such corporation, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist solely of one or more of the activities specified in subparagraphs (i) through (xii) of paragraph (b)(4) of this section, and such other activities reasonably related to the activities of a Federal association as the Board may approve;

(3) In the case of a corporation in which fewer than 5 savings and loan associations hold capital stock or one association holds more than 40 percent of such stock, the following requirements are met:

(i) The corporation, including any subsidiary, shall not have outstanding at any time consolidated debt (to holders of its capital stock and to others) exceeding the following limitations:

(*a*) Unsecured debt—2 times the total of its consolidated net worth plus unsecured debt to holders of at least 25 percent of its capital stock;

(*b*) Secured and unsecured debt—10 times the total of its consolidated net worth plus unsecured debt to such stockholders; or if the corporation, including any subsidiary thereof, is engaged solely in activities specified in subdivision (b)(4)(i)(*a*) of this section, 20 times such total;

(*c*) Secured debt will be deemed unsecured for purposes of this subparagraph (c)(3)(i) to the extent that it exceeds the market value of any security therefor at the time the loan is made. The term secured debt as used in this subparagraph shall include the entire amount of any obligation of the service corporation resulting from sale of consumer loans with recourse.

(*d*) The debt of each subsidiary of the corporation shall also conform to the debt limitations in this paragraph.

(ii) Board approval is obtained before any activitiy of the service corporation is performed through one or more joint ventures if a director, officer, or controlling person of any stockholder of the service corporation has direct or indirect beneficial interest in the joint venture.

(iii) Board approval is obtained for any investment.

(*a*) by a Federal association in such a service corporation or in a corporation which will become such a service corporation as a result of such investment, and

(*b*) by such service corporation directly or indirectly through one or more of its wholly-owned subsidiaries or joint ventures.

If the purpose of such investment is to acquire a going business for an amount exceeding the fair market value of the tangible net assets of that business from a director or officer of a Federal association which owns any of the capital stock of the service corporation or from an entity in which a director or officer of the Federal association has a direct or indirect beneficial interest or is a director, officer, controlling person, partner, or trustee.

(d) *Amount of investment.* (1) Except as provided in paragraphs (d)(2) and (d)(3), a Federal association shall not make any investment under this section if its aggregate outstanding investment in the capital stock, obligations, or other securities of service corporations would thereupon exceed 1 percent of assets. Such limitation shall include all loans, secured and unsecured, and all guarantees or take-out commitments of such loans, to service corporations, or any subsidiaries thereof, and to joint ventures of such service corporations or subsidiaries, whether or not such Federal association is a stockholder therein.

(2) In addition to amounts which it may invest under paragraph (d)(1), an association which has a net worth of at least 5 percent of withdrawable accounts and which had a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets of not more than 2.5 percent (except as provided in paragraph (d)(4)) may loan additional amounts as follows:

(i) An aggregate outstanding amount not to exceed 20 percent of the association's net worth may be invested in conforming loans made to service corporations, or subsidiaries thereof, and to joint ventures of such service corporations and subsidiaries; and

(ii) An aggregate outstanding amount, including loans included in subparagraph (d)(2)(i), not to exceed 50 percent of such Federal association's net worth may be invested in conforming loans made to a service corporation of which the association owns or holds with power to vote not more than 10 percent of the capital stock or to a joint venture in which service corporations in which the association is a stockholder, including subsidiaries of such service corporations, (*a*) own or hold with power to vote not more than a total of 10 percent of the capital stock, or (*b*) are limited partners and have contributed not more than 10 percent of such joint venture's capital.

(3) The limitation in paragraph (d)(1) does not apply to conforming loans to a service corporation which qualifies under subsection (b) of this section or to any service corporation in which the lending association does not have any investment made under authority of this section.

(4) A Federal association whose net worth equals at least 5 percent of withdrawable accounts may apply to the Board for an exception from the scheduled items limitation in paragraph (d)(2) of this section. The application shall be supported by information evidencing the association's sound investment, lending, appraisal, and underwriting policies and favorable operating results. The application shall be filed with the Principal Supervisory Agent with a copy to the Director, Office of Examinations and Supervision. The application is approved if, within 30 calendar days after the date the Principal Supervisory Agent receives it, he has not notified the applicant that approval is withheld. If approval is withheld, the Principal Supervisory Agent shall promptly cause the application to be submitted to the Board for its decision. The Principal Supervisory Agent may request additional information from the applicant, but need not consider such additional information received less than 5 calendar days before the end of the 30-day period.

(e) *Examination.* A Federal association may invest in the capital stock, obligations, or other securities of a service corporation only if the service corporation has executed and filed with the Supervisory Agent at the Bank of the district in which it is located a written agreement, in form prescribed by the Board, that:

(1) If the service corporation is described in paragraph (b) of this sec-

tion, it will permit and pay the cost of examination of it by the Board to determine the propriety of any investment by a Federal association under this section; and

(2) If the service corporation is described in paragraph (c) of this section, it will, if it does not meet the requirements of § 545.14-3, permit and pay the cost of such examination and/or audit by the Board as the Board deems necessary.

(f) *Disposal of investment.* Whenever a service corporation, including any subsidiary thereof, engages in an activity which is not permissible for, or exceeds limitations on, a service corporation in which a Federal association may invest, or whenever the capital stock ownership requirements of this section are not met, a Federal association having an interest in the corporation, including any subsidiary thereof, shall dispose of its investment promptly unless, within 90 days after the Board mails written notice to the association, the impermissible activity is discontinued, the limitation is complied with, or the capital stock ownership requirements are met.

(g) *Corporate name.* No Federal association may invest in, or retain any investment in, the capital stock, obligations, or other securities of any service corporation whose corporate name or the designation of whose subsidiary or office (1) includes the words "Natural", "Federal", or "United States" or the initials "U.S." or (2) could identify it with any insured institution which has not invested in it.

(h) *Applications.* Any application made to the Board under this section shall be in form it prescribes and filed with the Supervisory Agent. One or more Federal associations which propose investment in a service corporation which is not yet organized may make any application provided for in this section.

(i) *Revision of specified activities and limitations.* Activities and limitations specified in this section may be revised from time to time.

(j) *Limitation on activities.* Service corporations in which Federal associations may invest shall not be used to acquire scheduled items from an insured institution, except that such a service corporation may, for the purpose of providing housing, acquire real estate owned by an insured institution.

§ 545.9-2 Prohibition against investment in other institutions.

No Federal association shall invest in a savings account (i.e., any withdrawable monetary investment) in any savings and loan, building and loan, or homestead association, cooperative bank, or savings bank.

§ 545.9-3 Investments in corporations and partnerships authorized by title IX of the Housing and Urban Development Act of 1968.

Without regard to any other provisions of this Part, a Federal association may invest an aggregate amount not exceeding 1 percent of its assets in:

(a) Shares of stock issued by the National Corporation for Housing Partnerships or by any other corporation created under title IX of the Housing and Urban Development Act of 1968;

(b) Limited partnership interests in the National Housing Partnership or in any other limited partnership formed under section 907(a) of that Act; and

(c) Any partnership, limited partnership, or joint venture formed under section 907(c) of that Act.

§ 545.10 Real estate for office and related facilities.

(a) *General.* A Federal association may invest in real estate (improved or unimproved) to be used for office and related facilities of the association, or for such office and related facilities and for rental or sale, if such investment is made and maintained under a prudent program of property acquisition to meet the association's present needs or its reasonable future needs for office and related facilities. Before making an investment which would cause the outstanding aggregate book value of all such investments by the association to exceed 25 percent of its net worth, the association shall, unless the Board has approved the investment, obtain Board approval to establish or maintain an office facility at the location of the real estate or to change an office facility to such location. Before making an investment which would cause the outstanding aggregate book value of all such investments to exceed the association's net worth, the association shall obtain Board approval.

(b) *Requests for Board approval of exceptions.* An association shall send requests for Board approval of exceptions to limitations in this section to the Supervisory Agent, with a copy to the Director, Office of Examinations and Supervision.

It is proposed to delete §§ 545.11, 545.11-1, and 545.12, effective———,as follows:

§ 545.11 [Deleted]

§ 545.11-1 [Deleted]

§ 545.12 [Deleted]

It is proposed to amend § 545.13 to read as follows:

OFFICES

§ 545.13 Home Office.

All operations of a Federal association shall be subject to direction from the home office.

It is proposed to amend §§ 545.17 through 545.19 to read as follows:

POWERS AND DUTIES

§ 545.17 Fiscal agency.

A Federal association designated fiscal agent by the Secretary of the Treasury or, with Board Approval by another instrumentality of the United States, shall, as such, perform such reasonable duties and exercise only such powers and privileges as the Secretary of the Treasury or such instrumentality may prescribe.

§ 545.17-1 Trustee.

A Federal association may act (1) as trustee of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit sharing plan qualifying for specific tax treatment under section 401(d) of the Internal Revenue Code of 1954, and (2) as trustee of custodian of and individual retirement account within the meaning of section 408(a) of the Code, if the funds of the trust or account are invested only in the association's savings accounts or deposits or its obligations or securities. The association may receive reasonable compensation for acting in any such capacity.

ACCOUNTING, RECORDS, AND REPORTS

§ 545.18 Adjustments to book value of assets.

If the Supervisory Agent determines that an asset's stated book value exceeds its value or that documentation in the association's loan file is inadequate to demonstrate that an investment made under §§ 545.6-11(c) or (d) is sound, the Supervisory Agent may require the association to immediately charge off the asset or establish and maintain a special reserve(s) equalling the over-valuation.

§ 545.19 Real estate owned.

A Federal association may not carry real estate on its books for a sum in excess of the total amount invested by the association on account of such real estate, including advances, costs, and improvements, but excluding accrued but uncollected interest.

It is proposed to amend §§ 545.20 through 545.29 to read as follows:

§ 545.20 Accounting; records.

(a) *Accounting practices.* Each Federal association shall use such forms and follow such accounting practices as the Board may require, and shall close its books at least annually, as of

the end of such month(s) as the association's board of directors may designate. The date of the association's annual closing shall be not less than 15 days or more than 3 months and 15 days before its annual meeting.

(b) *Maintenance of records.* An association shall maintain a complete record of its business transactions and shall maintain at its home office, or at a branch or service office located within 100 miles of the home office, all general accounting records, including control records, of its business transactions. The association may not transfer the general accounting or control records or the maintenance thereof from any of its offices to another, unless its board of directors has (1) by resolution authorized the transfer or maintenance and (2) sent a certified copy of the resolution to the District Director of its district. An association which determines to maintain any of its records by means of data processing services shall so notify the District Director, in writing, at least 90 days before such maintenance of records will begin. Notification shall include identification of the records and the location at which they will be maintained. Any contract, agreement, or arrangement under which data processing services are to be performed shall expressly provide that the records maintained by such services shall at all times be available for examination and audit.

§ 545.22 Monthly reports.

A Federal association's officers shall make a monthly report to the association's board of directors on forms prescribed by the Board and available from any Bank. The association shall send a copy of the report to its district Bank and two copies to the Board.

§ 545.23 Statement of condition.

Within the month after the annual closing of a Federal association's books, the association shall mail to all of its members, or if it is a Charter S association to all of its depositors and borrowers, at their address appearing on the association's books, or publish in an English-language newspaper of general circulation in the county in which the association's home office is located, a statement of the association's condition as of such closing, on forms prescribed by the Board and available from any Bank or from the Board. Within 5 days after mailing or publishing the statement, the association shall send a certification to that effect signed by one of its executive officers, and a copy of the statement, to its Bank. This section shall not apply in a year in which the association sends to its voting members an annual report as required by § 563.45(a) of this chapter.

BORROWING, ISSUING OBLIGATIONS, AND GIVING SECURITY

§ 545.24 Borrowing, issuing obligations, and giving security.

An association may borrow as its charter permits or as the Board authorizes in writing. It may issue notes, bonds, debentures, or other obligations, or other securities (except capital stock) to the extent that (a) issuance is in compliance with § 563.8-1 or § 563.8-2 of this chapter, (b) issuance is authorized by the Board in writing, or (c) except for subordinated debt securities (as defined in § 561.24 of this chapter), that it could if section 5(b)(2) of the Act had not been enacted. To the extent authorized by its charter or by the Board, in writing, an association may give security, but it may not give security for any of its shares or share accounts or for any of its savings accounts representing share interests in the association.

§ 545.24a Borrowing from a State-chartered central reserve institution.

An association which has amended its charter under § 544.2(d) may borrow from a State-chartered central reserve institution, including a State mortgage finance agency, if:

(a) The association's general reserves, surplus, and undivided profits aggregate over 5 percent of its withdrawable accounts;

(b) The reserve institution is located in the State where the association's home office is located;

(c) The amount borrowed does not exceed the amount a State-chartered savings and loan in that State could borrow from that institution;

(d) The association does not use the loan proceeds to make loans at an interest rate exceeding by one and three-quarters percent per year the interest rate paid for the borrowed funds; and

(e) The association maintains any documentation required by the State regarding use of the loan proceeds or other matters.

§ 545.24-1 Issuance of GNMA-guaranteed mortgage backed securities.

Without regard to any other provision of this Part, a Federal association may, in accordance with regulations prescribed by the Government National Mortgage Association (GNMA) in 24 CFR Part 1665, Subpart A:

(a) Issue and sell trust certificates or other securities (a) backed by a trust or pool composed of mortgages insured under the National Housing Act or title V of the Housing Act of 1949 or insured or guaranteed under the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code, and (2) guaranteed as to principal and interest by GNMA under section 306(g) of the National Housing Act; and

(b) Do all things necessary and proper for carrying out such issuance and sale.

§ 545.24-2 Public deposits or investments.

(a) *Definitions.* As used in this section—

(1) "State law" includes actions by a governmental body which has a charter adopted under the constitution of the State with provisions respecting deposits of public money of that body;

(2) "Surety" means surety under real and/or personal suretyship, and includes guarantor;

(3) "Moneys" includes "monies" and has the meaning it has in applicable State law; and

(4) Terms in paragraph (b) of this section have the meanings they have in applicable State law.

(b) *Suretyship under State law.* (1) If State law requires, as an alternative condition or otherwise, that an association give bond or security for deposit in it of public moneys or investment in it by a governmental unit, a Federal association which is a deposit association may, regardless of the amount the State law requires, give bond or security.

(2) If State law requires as a condition of such deposit or investment that the association or its bond or security, or any combination thereof, be surety for or with respect to other deposits or instruments, whether of that depositor or investor or of any other(s), and whether in the association or in any other institution(s) having, when the investments or deposits were made, insurance by the Federal Savings and Loan Insurance Corporation, the same shall become, or if the State law is self-executing shall be, such surety.

(3) Any bond or security may be given and any substitution or increase thereof may be made under this section at any time.

(4) This paragraph applies notwithstanding the last sentence of § 545.24 and the extension of that prohibition in § 545.1-2(e).

(c) *Additional suretyship.* An association may also be surety to the extent that (1) it could have been surety if section 5(b) of the Act had not been amended by section 101(e) of Pub. L. 93-495, and (2) the Board otherwise authorizes in writing or by regulation.

INDEMNIFICATION OF ASSOCIATION PERSONNEL

§ 545.25 Indemnification of directors, officers, and employees.

A Federal association shall indemnify its directors, officers, and employees in accordance with the requirements in § 522.72 of this chapter regarding indemnification of persons by Banks. In applying that section "Fed-

eral association" shall be read for "Bank" and "Supervisory Agent" shall be read for "Secretary." In addition the following sentence shall be added at the end of subsection (f): "However, a Federal association which has a bylaw in effect relating to indemnification of its personnel shall be governed solely by that bylaw, except that its authority to obtain insurance shall be governed by subsection (d) of this section."

§ 545.25–1 Employment contracts.

(a) *General.* A Federal association with bylaws amended under § 544.6(k) or a charter S association may, upon specific approval of its board of directors, enter into employment contracts with its officers, in accordance with this section.

(b) *Limitations as to terms.* An employment contract may be made for a term exceeding one year only as provided in this subsection. An employment contract may be for an initial term up to three years if it (1) is made in connection with a conversion of the association under Part 563b of this chapter; (2) is made or assumed in connection with a merger, purchase of bulk assets, or similar transaction by the resulting association (as defined in § 546.1 of this subchapter) with a person who, immediately prior to the transaction, was an officer of the association being acquired and, immediately after the transaction, will be an officer of the resulting association; or (3) is made between a Federal association and a new officer who is not a close relative of an officer or director of the association. A person who has served as a director, officer, or employee of the association or its predecessor during any part of the preceding 12 month period is not a new officer. In subdivision (b)(3) a "close relative" means a person who by blood, marriage, or adoption is a father, mother, brother, sister, son, daughter, or spouse of such an officer or director, or of his or her spouse.

(2) An employment contract may provide for renewal at the association's option when the initial term or a renewal term expires, but no renewal term shall exceed one year.

(c) *Required provisions.* Each employment contract shall provide that:

(1) The association's board of directors may terminate the officer's employment at any time, but any termination other than termination for cause, shall not prejudice the officer's right to compensation or other benefits under the contract;

(2) The officer shall have no right to receive compensation or other benefits for any period after termination for cause (i.e. termination because of the officer's personal dishonesty, incompetence, willful misconduct, breach of fiduciary duty involving personal profit, intentional failure to perform stated duties, willful violation of any law, rule, or regulation (other than traffic violations or similar offenses) or final cease-and-desist order, or material breach of any provision of the contract).

(3) If the officer is suspended from office and/or temporarily prohibited from participating in the conduct of the association's affairs by a notice served under § 566.4 or § 566.5 of this chapter, the association's obligations under the contract shall be suspended as of the date of service, unless stayed by appropriate proceedings. If the charges in the notice are dismissed, the association may in its descretion (i) pay the officer all or part of the compensation withheld while its contract obligations were suspended and (ii) reinstate (in whole or in part) any of its obligations which were suspended.

(4) If the officer is removed from office and/or permanently prohibited from participating in the conduct of the association's affairs by an order issued under § 566.3 or § 566.5 of this chapter, all obligations of the association under the contract shall terminate, as of the effective date of the order, but vested rights of the contracting parties shall not be affected.

(5) If the association is in default (as defined in Section 401(d) of the National Housing Act), all obligations under the contract shall terminate as of the date of default, but this paragraph (5) shall not affect any vested rights of the contracting parties.

(d) *Contracts with other entities or persons.* An officer shall have no employment contract or other written or oral agreement concerning employment as an officer of the association with any entity or person other than the association.

§ 545.26 Advisory boards or committee.

A Federal association's board of directors may establish one or more advisory boards of directors or advisory committees to advise the association as the board of directors may authorize. Each member of such a board or committee shall be appointed by the board of directors on a year-to-year basis. Such members may be permitted to attend meetings of the board of directors, but they shall have no vote on matters acted upon by the board of directors.

Corporate Opportunity Involving Insurance Agencies

§ 545.27 Referral of insurance business.

(a) For purposes of this section the terms "owned" and "referral" have the meanings prescribed in §§ 555.17(a)(1) and (2) of this subchapter.

(b) No Federal association shall refer any insurance business to an agency owned by officers or directors of the association, or by persons having power to direct its management, unless:

(1) A specific State statute or regulation precludes Federal associations' service corporations (or wholly-owned subsidiaries thereof) from engaging in the insurance business;

(2) The association, after filing any necessary applications and making a bona fide attempt to obtain any necessary approval (with or without instituting legal proceedings against state officials to compel approval) has been denied permission by the appropriate State licensing or regulatory authorities for its service corporation, or a wholly-owned subsidiary thereof, to engage in the insurance business;

(3) Such State authorities follow an established and well-known policy of refusing to accept or approve such applications (the association need not demonstrate existence of such a policy by instituting legal proceedings against such authorities to compel approval);

(4) The referral takes place within a reasonable period of time (not exceeding 18 months) after a change in such State law, regulation, or policy for the association to investigate the feasibility and desirability of acquiring or establishing its own service corporation insurance business; or

(5) An application for permission to establish or acquire a service corporation insurance business is on file with the appropriate State agencies and/or the Board.

Annual Meetings of Members

§ 545.28 Communication between members of a Federal mutual association.

(a) *Disclosure of membership lists prohibited.* (1) As used in this section, "membership list" means any document of the association containing: (i) A list of members of the association, (ii) their addresses; (iii) their savings account or loan balances or records; or (iv) any data from which that information reasonably could be constructed.

(2) Federal mutual associations may not disclose in any manner, directly or indirectly, their membership lists to any person (other than officers of the association, or others employed by them, in the usual course of conducting the association's business) except with prior written approval of the Board.

(3) The Supervisory Agent may approve or disapprove requests made under paragraph (a)(2), and may specify terms and conditions of approval.

(b) *Right of inspection of member's own records.* A member of a Federal mutual association has the right to inspect the association's books and records pertaining solely to the member's own savings or borrowing account(s).

(c) *Right of communication with other members.* A member of a Federal mutual association has the right to communicate, as prescribed in paragraph (d), with other members of the association regarding any matter related to the association's affairs, except for "improper" communications, as defined in subsection (e). The association may not defeat that right by redeeming a savings member's savings account in the association.

(d) *Member communication procedures.* If a member of a Federal mutual association desires to communicate with other members, the following procedures shall be followed:

(1) The member shall give the association a written request to communicate;

(2) If the proposed communication is in connection with a meeting of the association's members, the request shall be given at least 30 days before the annual meeting or 10 days before a special meeting;

(3) The request shall contain: (i) The member's full name and address; (ii) the nature and extent of the member's interest in the association at the time the information is given; (iii) a copy of the proposed communication; and (iv) if the communication is in connection with a meeting of the members, the date of the meeting;

(4) The association shall reply to the request within either: (i) 14 days; (ii) 10 days, if the communication is in connection with the annual meeting; or (iii) 3 days, if the communication is in connection with a special meeting;

(5) The reply shall provide either—

(i) The number of the association's members and the estimated reasonable cost to the association of mailing to them the proposed communication; or

(ii) Notification that the association has determined not to mail the communication because it is "improper", as defined in subsection (e);

(6) After receiving the amount of the estimated costs of mailing and sufficient copies of the communication, the association shall mail the communication to all members, by a class of mail specified by the requesting member, either—

(i) Within 14 days;

(ii) Within 7 days, if the communication is in connection with the annual meeting;

(iii) As soon as practicable before the meeting, if the communication is in connection with a special meeting; or

(iv) On a later date specified by the member.

(7) If the association refuses to mail the proposed communication, it shall return the requesting member's materials together with a written statement of the specific reasons for refusal, and shall simultaneously send to the Supervisory Agent 2 copies each of the requesting member's materials, the association's written statement, and any other relevant material. The materials shall be sent within (i) 14 days, (ii) 10 days, if the communication is in connection with the annual meeting, or (iii) 3 days, if the communication is in connection with a special meeting, after the association receives the request for communication.

(e) *"Improper communication".* A communication is an "improper communication" if it contains material which: (1) At the time and in the light of the circumstances under which it is made (i) is false or misleading with respect to any material fact or (ii) omits a material fact necessary to make the statements therein not false or misleading, or necessary to correct a statement in an earlier communication on the same subject which has become false or misleading; (2) relates to a personal claim or a personal grievance, or is solicitous of personal gain or business advantage by on or behalf of any party; (3) relates to any matter, including a general economic, political, racial, religious, social, or similar cause, that is not significantly related to the business of the association or is not within the control of the associations; or (4) directly or indirectly and without expressed factual foundation (i) impugns character, integrity, or personal reputation, (ii) makes charges concerning improper, illegal, or immoral conduct, or (ii) makes statements impugning the stability and soundness of the association.

MORTGAGE FUTURES

§ 545.29 Mortgage-futures transactions.

(a) *Definitions.* (1) *Due bill.* An instrument redeemable for GNMA-guaranteed mortgage-backed securities which is a valid delivery instrument under a mortgage-futures contract.

(2) *Firm commitment.* A written commitment to make, purchase, issue, or deliver mortgage loans or mortgage-related securities at fixed interest rates on or before the date specified in the commitment.

(3) *Mortgage-futures contract.* A transferable agreement to receive or deliver due bills under terms and conditions approved by the Commodity Futures Trading Commission.

(4) *Mortgage-futures transactions.* Purchase or sale of a mortgage-futures contract under terms and conditions approved by the Commodity Futures Trading Commission.

(5) *Mortgage-related securities.* Includes GNMA-guaranteed mortgage-backed securities (as referred to in § 545.24-1), Mortgage Participation Certificates of the Federal Home Loan Mortgage Corp., and similar obligations secured by mortgages in which the association is authorized to invest;

(6) *Mortgage repayment.* Includes principal and interest, but excludes expected prepayments and penalties.

(b) *General rule.* A Federal association may only engage in mortgage-futures transactions subject to the requirements and limitations in this section.

(c) *Eligibility requirements.* An association engaging in a mortgage-futures transaction must meet the following requirements at the time of the transaction, unless the Board waives any requirement(s) upon specific written request:

(1) Its net worth meets the requirements of § 563.13(b) of this chapter (an association insured less than 2 years must meet the net-worth requirements for those insured for 2 years);

(2) Its scheduled items do not exceed 2.5 percent of its specified assets; and

(3) All its appraised losses have been offset by specific loss reserves to the extent required by the Board under § 563.17-2 of this chapter.

(d) *Investment limitations.* (1) An association may only engage in a mortgage-futures transaction if the amount of its total outstanding gross mortgage-futures position (the arithmetic sum of its short and long positions in the futures market) does not exceed its net worth or would not exceed it as a result of the transaction; and

(2) Mortgage-futures transactions must be directly matched against an association's firm commitments, or against anticipated reinvestments of its expected repayments over the forthcoming 12-month period in mortgages and mortgage-related securities. However, such matching need not include matching of maturities.

(e) *Record-keeping requirements.* An association engaging in mortgage-futures transactions shall maintaining the following:

(1) A register of all its outstanding futures contracts, including brokers' confirmations as received, prepared in a manner sufficient to enable the Board to determine at any time the association's total outstanding gross mortgage-futures position;

(2) A record of specific futures contracts, the present or anticipated cash market transaction(s) against which they are matched, and in the case of an anticipated transaction a statement of fact adequately justifying the anticipated transaction;

(3) A record of all transactions by the association in due bills;

(4) A list of all association personnel authorized to engage in mortgage-futures transactions in its behalf, and the duties, responsibilities, and limits of authority of each of them.

(f) *Notification.* When an association first engages in mortgage-futures transactions it shall notify the district Director-Examinations of its Bank district and shall thereafter, on a quarterly basis, notify the Director of its total outstanding gross mort-

gage-futures position on the date of notification.

(g) *Due bills.* An association may originate, deliver, receive, or redeem due bills in connection with its mortgage-futures transactions.

It is proposed to revise Part 546 as set forth below:

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

Sec.
546.1 Definitions.
546.2 Procedure; effective date.
645.3 Transfer of assets upon merger.
546.4 Voluntary dissolution.
546.5 Conversion from Federal mutual to State-charter mutual.

AUTHORITY: Sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR 1943-48 Comp., p. 1071.

§ 546.1 Definitions.

As used in §§ 546.2 and 546.3—

(a) "Association" means a Federal association, and any building and loan, savings and loan, or homestead association, or cooperative bank organized under the laws of any State which may, under those laws, merge or consolidate with a Federal association;

(b) "Merging association" means an association absorbed by merger; and

(c) "Resulting association" means the association whose corporate existence continues after absorbing a merging association under this subchapter.

§ 546.2 Procedure; effective date.

(a) A Federal association and one or more other associations insured by the Federal Savings and Loan Insurance Corporation may merge as prescribed in this Part if as to any such association which is not a Federal association the merger is in accordance with the laws of the jurisdiction in which the association was organized.

(b) Each association, by a two-thirds vote of its board of directors, shall approve a plan of merger evidenced by a merger agreement. The agreement shall state that it is effective only when approved by the Board and shall specify (1) which association will be the resulting association; (2) the name it will use; (3) the location of its home office and branch offices; (4) the bases on which its savings accounts will be issued; and (5) the number of its directors and their names, addresses, and the length of their terms.

(c) Board approval for the merger shall be requested by filing with the resulting member's Bank two copies of the merger agreement, properly executed in the name of the respective associations, and two certified copies of the portions of the minutes of the boards of directors of the respective associations relating to their consideration and approval of the plan of merger. When the Board receives the request, it will approve the merger, disapprove it, or withhold action and recommend modification of the plan. If the boards of directors of the associations accept the recommended modifications, they shall amend the agreement accordingly and submit it as the original agreement was submitted.

(d)(1) When the Supervisory Agent determines that an application for approval of a merger under this section is complete, he shall advise the applicant, in writing, to publish within 15 days in an English-language newspaper(s) having general circulation in the community or communities served by the associations, or to mail within 15 days to the members of each Federal mutual association, a notice in the following form:

NOTICE OF FILING OF MERGER APPLICATION

Notice is hereby given that, under § 546.2 of the Rules and Regulations for the Federal Savings and Loan System, the —— Savings and Loan Association, —— (City), —— (State), and the —— Savings and Loan Association, —— (City), —— (State), have filed an application with the Federal Home Loan Bank Board for permission to merge, —— Savings and Loan Association to be the resulting association, operating under the (same name) (name of —— Savings and Loan Association). (The previous sentence should be appropriately modified if acquisition of assets and assumption of liabilities is involved.) The resulting association intends to have its home office at —— (Street Address), —— (City), —— (State), (and to maintain all (or the) present branch offices (or office) at the following location (or locations): —— (Street Address), —— (City), —— (State).) The application has been delivered to the Office of the Supervisory Agent of the Bank Board, located at the Federal Home Loan Bank of —— (City), —— (Street Address), —— (City), —— (State). Any person may file communications concerning the application at that office within 10 days (30 days if additional time is requested within 10 days) after the date of this publication. Four copies of any communication should be filed. The application, information submitted therewith, and all communications are available for inspection, unless excepted from disclosure under the Freedom of Information Act, by any person at that office.

—— Savings and Loan Association.

(2) This paragraph (d) does not apply to mergers authorized by the Board to be instituted for supervisory reasons.

(e) Promptly after publishing or mailing the notice(s) required under paragraph (d), the applicant shall send to the Supervisory Agent two copies of the notice and two copies of either a publisher's affidavit of publication or the applicant's affidavit of mailing.

(f) Notwithstanding any other provision of this Part, the Board may require that a plan of merger be submitted to the voting members of any of the associations at a duly called meeting(s) and that the plan, to be effective, be approved by them.

(g) A conservator or receiver for an association appointed under Part 547 of this subchapter may merge the association with another under §§ 546.2 and 546.3 without submitting the plan to the association's board of directors or members for their approval.

(h) If a plan of merger provides for the resulting association's name or location to be changed, and it is a Federal association, its charter shall be amended accordingly. If the resulting association is a Federal association, the effective date of merger shall be the date the Board approves merger, unless another date is specified in the approval; if the resulting association is not a Federal association, the effective date shall be that prescribed by the State law under which the resulting association was created. Approval of a merger automatically cancels the Federal charter of each of the merging Federal associations as of the effective date of merger and those associations shall, on that date, surrender their charters to the Board.

(i) The Principal Supervisory Agent may give Board approval (including recommending modification of a plan of merger) required by subsection (c), if the following conditions are met:

(1) The disappearing association, if insured has assets less than $10,000,000, and if uninsured has assets less than $5,000,000;

(2) The resulting association would have assets less than $40,000,000;

(3) In any county (or similar political subdivision) in which both associations have offices, the resulting association would (i) hold less than 15 percent of total savings accounts (including savings accounts of under $100,000 held by commercial banks) of financial institutions and (ii) would, based on mortgage recording data or other available evidence, account for less than 15 percent of the total residential mortgage loans made.

(4) The disappearing association's net worth to savings ratio is at least 5 percent;

(5) The resulting association would have an adequate net worth to savings ratio not less than 5 percent;

(6) Compensation to an officer, director, or controlling person of the disappearing association by the resulting association or its service corporation affiliate would not exceed the amount paid before commencement of merger negotiations by more than 15 percent or $5,000, whichever is greater; and

(7) Any proposed advisory director fee would not exceed the fee received as a director of the disappearing association or $50 per monthly meeting attended, whichever is greater.

If the Principal Supervisory Agent's modifications are not accepted by the

directors of all associations, and if all associations request it, the Principal Supervisory Agent shall submit the merger application to the Board.

In approving a merger under this subsection (i), the Principal Supervisory Agent may approve maintenance of an office of the merging association as a facility of the resulting Federal association and may approve an application for insurance of accounts and Bank membership filed by an uninsured association merging into a Federal association. Only the Board may disapprove a merger application.

§ 546.3 Transfer of assets upon merger.

On the effective date of a merger in which the resulting association is a Federal association, all assets and property of the merging associations shall immediately, without any further act, become the property of the resulting association to the same extent as they were the property of the merging associations, and the resulting association shall be a continuation of the entity which absorbed the merging associations. All rights and obligations of the merging association shall remain unimpaired, and the resulting association shall, on the effective date of merger, succeed to all those rights and obligations.

§ 546.4 Voluntary dissolution.

A Federal association's board of directors may propose a plan for dissolution of the association. The plan may provide for either (a) appointment of the Federal Savings and Loan Insurance Corporation (under section 5 of the Act and section 406 of the National Housing Act, as amended) as receiver for the purpose of liquidation; (b) transfer of all the association's assets to another thrift and home-financing institution under Federal or State charter either for cash sufficient to pay all obligations of the association and retire all outstanding accounts or in exchange for that institution's payment of all the association's outstanding obligations and issuance of share accounts or other evidence of interest to the association's members on a pro rata basis; or (c) dissolution in a manner proposed by the directors which they consider best for all concerned. The plan, and a statement of reasons for proposing dissolution and for proposing the plan, shall be submitted to the Board for approval. The Board will approve the plan if it believes dissolution is advisable and the plan best for all concerned, but if it considers the plan inadvisable, it may either make recommendations to the association concerning the plan or disapprove it. When the plan is approved by the association's board of directors and by the Board, it shall be submitted to the association's members at a duly called meeting and, when approved by a majority of votes cast at that meeting, shall become effective. After dissolution in accordance with the plan, a certificate evidencing dissolution, supported by such evidence as the Board may require, shall immediately be filed with the Board. When the Board receives such evidence satisfactory to it, it will terminate the corporate existence of the dissolved association and the association's charter shall thereby be cancelled.

§ 546.5 Conversion from Federal mutual to State-charter mutual.

Approval of a conversion under the last paragraph of section 5(i) of the Act is subject to the following requirements:

(a) The association's board of directors shall submit a written plan for Board approval, and in considering it the Board may give consideration to any element of good-will value;

(b) The Board may prescribe substantive or procedural requirements it considers necessary or proper to insure that the plan is fair to the association and its members;

(c) After submitting the plan to the Board, the association shall, using forms of notice and proxy soliciting material authorizing by the Board's Office of General Counsel, give formal notice of a special meeting called to vote on the plan; notice shall be mailed, postage prepaid, at least 15 and not more than 45 days before the meeting, and shall state the terms of the plan, the member's rights, and any other matters the Board may require;

(d) The plan shall be approved by a vote of at least a majority of total votes eligible to be cast by members at the meeting;

(e) All requirements of State law shall be satisfied.

Part 547 is proposed to be revised as follows:

PART 547—APPOINTMENT OF CONSERVATORS AND RECEIVERS

Sec.

547.1 Grounds for appointment of conservator or receiver.
547.2 Appointment of conservator or receiver.
547.3 Appointment on other grounds.
547.4 Notice of appointment.
547.5 Removal of conservator or receiver.
547.6 Federal Savings and Loan Insurance Corporation as receiver.
547.7 Possession by conservator or receiver.
547.8 Surrender of possession by conservator or receiver.

AUTHORITY: Sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR, 1943–48 Comp., p. 1071.

§ 547.1 Grounds for appointment of conservator or receiver.

(a) The following are grounds for appointing a conservator or receiver for a Federal association: (1) The association's assets are less than its obligations to others, including its members; (2) Its assets or earnings are substantially dissipated due to violation(s) of law, rules, or regulations or to unsafe or unsound practice(s); (3) It is in an unsafe or unsound condition to transact business; (4) It willfully violates a "cease-and-desist order which has become final," as defined in section 5(d) of the act; or (5) It conceals its records or assets or refuses to submit its records or affairs for inspection to an examiner or lawful agent of the Board.

(b) Except as authorized in writing by the Board, if an association fails to make full payment of any withdrawal when due, within the meaning of the fourth sentence of section 5(b)(1) of the act, paragraph (a)(3) of this section shall apply. No provision in an association's charter or in § 545.4 of this chapter regarding payment of withdrawals when the association does not pay all withdrawals in full shall be considered such an authorization.

§ 547.2 Appointment of conservator or receiver.

If the Board determines that a ground exists for appointing a conservator or receiver for a Federal association, it may make the appointment without notice.

§ 547.3 Appointment on other grounds.

The Board may, without requirement of notice, hearing, or other action, appoint a conservator or receiver for a Federal association if (a) the association, by resolution of its board of directors or of its members, consents to the appointment, or (b) the association's Bank membership or insurance by the Federal Savings and Loan Insurance Corporation is terminated.

§ 547.4 Notice of appointment.

If the Board appoints a conservator or receiver under this Part, the Secretary to the Board shall mail a certified copy of the Board action to the association's address as it appears on the Board's records and notice of the appointment shall be filed immediately for publication in the FEDERAL REGISTER.

§ 547.5 Removal of conservator or receiver.

Within 30 days after appointment of a conservator or receiver under § 547.3, the association may bring an action in the U.S. District Court for the judicial district in which the association's home office is located, or in the U.S. District Court for the District of Columbia, for an order that the Board remove the conservator or receiver.

§ 547.6 Federal Savings and Loan Insurance Corporation as receiver.

The Board shall appoint only the Federal Savings and Loan Insurance

Corporation as receiver for a Federal association and only for the purpose of liquidation.

§ 547.7 Possession by conservator or receiver.

A conservator or receiver for a Federal association shall take possession of the association in accordance with the terms of the appointment and shall, at that time, give notice of the Board's action to any officer or employee in the home office who appears to be in charge of that office. On taking possession, the conservator or receiver shall immediately take possession of the association's books, records, and assets. A conservator shall have all the powers of the association's members, officers, and directors; a receiver shall, without further action, succeed to the rights, titles, powers, and privileges of the association, and to the rights, powers, and privileges of its members, officers, and directors. No member(s), officer(s), or director(s) shall thereafter have or exercise any such right, power, or privilege, or act in connection with any of the association's assets or property. Any officer, director, or member may, from time to time, communicate with the Board regarding the conservatorship or receivership. The conservator or receiver shall furnish bond in form and amount and with surety acceptable to the Director. The Board may, at any time: (a) Direct the conservator or receiver to turn over the association to its previous management or new management; (b) provide for a meeting(s) of the members or of the directors for any purpose, which meeting(s) may be supervised or conducted by a Board representative; and (c) without requirement of notice, hearing, or other action, replace a conservator with another conservator or with a receiver.

§ 547.8 Surrender of possession by conservator or receiver.

(a) *To the association.* When the board restores an association in the hands of a conservator or receiver to its management, that action, except as the Board otherwise provides, shall restore the rights, powers, and privileges of its members, officers and directors. Return of an association to its management from the possession of a receiver shall, by operation of law, vest in the association title to all property held by the receiver in its capacity as receiver for the association.

(b) *To a receiver.* When a receiver is appointed for an association in the hands of a conservator, the conservator shall, as the Board may require, surrender possession of the association to the receiver.

It is proposed to revise Part 548 as follows:

PART 548—POWERS OF CONSERVATOR AND CONDUCT OF CONSERVATORSHIPS

Sec.
548.1 Procedure upon taking possession.
548.2 Powers and duties of conservator.
548.3 Creditors.
548.4 Share interests.
548.5 Inventory; examinations and audits, and costs thereof; accounting practices.
548.6 Final discharge and release of conservator.
548.7 Inspection of reports.
548.8 Delegation of conservator.

AUTHORITY: Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464) Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR, 1943–48 Comp., p. 1071.

§ 548.1 Procedure upon taking possession.

Upon taking possession of a Federal association, the conservator shall immediately: (a) Notify, by written notice, served personally or by registered mail or telegraph, all persons and entities that the conservator knows to be holding or in possession of assets of the association; (b) File with the Secretary to the Board a statement that possession was taken, including the time of the taking, which statement shall be conclusive evidence thereof; and (c) Post a notice in substantially the following form on the door of the association's home office:

—— Federal Savings and Loan Association ——, ——, ——, is in possession and charge of the undersigned as conservator appointed by the Federal Home Loan Bank Board.

(Conservator) ——————————
(Date) ——————————

§ 548.2 Powers and duties of conservator.

The conservator, subject to the Director's supervision, shall, after taking possession, take any action necessary to conserve the association's assets. The conservator shall immediately collect all obligations and money due the association and may:

(a) Do all things he considers desirable or expedient to carry on the association's business consistent with the conservator's appointment, and to conserve and preserve the association's assets and property, but shall not declare, credit, or distribute earnings on savings accounts except with approval of the Board or the Director;

(b) Exercise all rights and powers of the association;

(c) With approval of the Board or the Director, discharge and pay off any liens, claims, or charges of any nature against the association, its assets or property, or the conservator;

(d) Pay any sum he deems necessary or advisable:

(1) To preserve, conserve, or protect the association's assets or property, or

(2) With approval of the Board or the Director, to rehabilitate or improve such property and assets;

(e) With approval of the Board or the Director:

(1) Pay any sum he deems necessary or advisable to preserve, conserve, or protect any asset or property on which the association or conservator has a lien or in which the association or conservator has an interest of value, and

(2) Pay off and discharge any liens, claims, or charges of any nature against such property;

(f) Under supervision of the Board's General Counsel, institute, prosecute, maintain, defend, intervene, and otherwise participate in any legal proceeding by and against the conservator or association or in which the conservator, the association, or its creditors or members has an interest, and in every way to represent the association, its members and creditors;

(g) With the Director's approval, hire any employees necessary for proper administration of the conservatorship; the employees shall be covered by bond, which shall be in form satisfactory to the conservator and the Director and be paid for, along with the conservator's bond, from the association's assets; any attorney(s) designated by the Board's General Counsel shall be employed to give legal advice and assistance, on the conservatorship generally or in particular instances, and their retainers, compensation, and expenses, including litigation costs, as approved by the General Counsel, shall be paid from the association's assets;

(h) Execute, acknowledge, and deliver any instrument necessary for any purpose, and any instrument so executed shall be as valid and effectual as if it had been executed by the association's officers by authority of its board of directors; bank accounts for the association shall be opened and closed as the conservator deems advisable, subject to approval of the Director, but except with Board approval, no account shall be retained or opened in a Bank or in a bank not insured by the Federal Deposit Insurance Corporation;

(i) With approval of the Board or the Director, sell for cash any mortgage, deed of trust, chose in action, bond, note, contract, judgment or decree, stock, or debt owing to the association, at not less than the actual amount owing the association or the face or par value thereof; or with Board approval or on terms and conditions it approves, sell or otherwise dispose of such assets, in whole or in part, at less than that amount or value;

(j) (1) Lease on a month to month basis, or for a term of one year or less, any property of the association; and

(2) With Board approval or on terms and conditions approved by the Board, lease such property for more than one year or otherwise dispose of it, in whole or in part;

(k) With approval of the Board or the Director, or on terms and condi-

tions approved by the Board or the Director, release any assets or property of any nature, regardless of whether the subject of pending litigation, and repudiate any lease or contract he considers burdensome;

(l) With Board approval, or on terms and conditions it approves, settle, release, or obtain release of, for cash or other considerations, claims and demands against, or in favor of, the association or the conservator.

(m) With approval of the Board or the Director, borrow money for any purpose, in any amount, from any source, and in any manner, and execute, acknowledge, and deliver evidence of indebtedness therefor and secure repayment thereof by mortgage, pledge, assignment in trust, or hypothecation of any property of the association;

(n) Pay out of the assets of the conservatorship all its expenses and all costs of carrying out or exercising the the rights, powers, privileges, and duties as conservator, as determined by the conservator, except as otherwise provided in this section; and

(o) Do such things, and have such rights, powers, privileges, immunities, and duties as the Board authorizes, directs, confers, or imposes by order or by amendment of these rules and regulations. In this section, assets or property of the association shall include any asset or property of the conservator.

§ 548.3 Creditors.

(a) After certifying to the Board that the association's assets will be sufficient to meet all creditor obligations and that its condition justifies such action, the conservator may, with the Director's approval, pay from the association's assets:

(1) Disbursements which the association was obligated to make on loan commitments and other valid contracts; and

(2) Salaries due officers or employees of the association; and outstanding checks given in connection with valid creditor obligations.

(b) Without such certification or approval, the conservator may from such assets pay creditor obligations and make disbursements which the association was obligated to make on loan commitments, to the extent the Director deems compatible with the association's condition and the proper conduct of its affairs.

§ 548.4 Share interests.

Only in accordance with a Board order conspicuously posted in the conservator's principal office for conducting the association's affairs, may the conservator accept payments on or purchase of share accounts or make repurchases of share accounts.

§ 548.5 Inventory; examinations and audits, and costs thereof; accounting practices.

(a) *Inventory.* As soon as practicable after taking possession the conservator shall inventory the association's assets as of the date possession was taken. It shall include the value on the association's books of each asset, any security therefor, a brief description of the asset and security, and a record of the association's creditor and share liabilities. The Director must be satisfied that the method of listing assets provides such information. Two copies of the inventory shall promptly be filed with the Secretary to the Board, one copy with the Director, and one copy retained during the conservatorship in the association's principal office.

(b) *Examinations and audits, and costs thereof.* The Board may direct the association to be examined and/or audited (with appraisals if deemed advisable) by the Office of Examinations and Supervision. The cost, as determined by the Board, including any office analysis shall be paid from the association's assets unless the Board orders otherwise.

(c) *Accounting practices; reports.* The conservator shall follow such accounting practices as the Director may prescribe and make such reports as the Board or the Director may require.

§ 548.6 Final discharge and release of conservator.

When relieved of all duties, the conservator shall file with the Board a report satisfactory to it. The Board may direct an audit in connection with that report and shall approve or disapprove the accounts of the conservator. If the accounts are approved, the conservator shall thereupon be completely and finally released.

§ 548.7 Inspection of reports.

Unless the Board or Director otherwise directs, the conservator's inventories, statements, and reports shall be in at least four copies. Two copies shall be filed with the Secretary to the Board and one copy with the Director, and they shall constitute permanent records of the conservatorship open for inspection whenever the office of the Secretary to the Board is open for business or at such times and on such conditions as the Board may direct.

§ 548.8 Delegation by conservator.

The conservator may delegate any powers and authorities vested in the conservator under §§ 548.2, 548.3, and 548.4.

It is proposed to revise part 549 as follows:

PART 549—POWERS OF RECEIVER AND CONDUCT OF RECEIVERSHIPS

Sec.
549.1 Definitions.
549.2 Procedure upon taking possession.
549.3 Powers and duties of receiver.
549.4 Creditor claims.
549.5 Share interest claims.
549.5–1 Deposit associations.
549.6 Inventory; examinations and audits, and costs thereof; accounting practices.
549.7 Final discharge and release of receiver.
549.8 Inspection of reports.

AUTHORITY: Sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR, 1943–48 comp., p. 1071.

§ 549.1 Definitions.

As used in this part—

(a) "Publish" means publish in an English-language newspaper of general circulation in the city or county in which an association's home office is located; and

(b) "Corporation" means the Federal Savings and Loan Insurance Corporation.

§ 549.2 Procedure upon taking possession.

The procedure prescribed in § 548.1 of this subchapter for a conservator taking possession of a Federal association shall also apply to a receiver except that the notice required by § 548.1(c) shall state:

———— Federal Savings and Loan Association ————, ————, ————, is in the hands of the Federal Savings and Loan Insurance Corporation as receiver appointed by the Federal Home Loan Bank Board. Federal Savings and Loan Insurance Corporation as Receiver, By ———— (Title) ———— (Date) ————

§ 549.3 Powers and duties of receiver.

(a) The receiver, after posting notice under § 549.1, shall collect all obligations and money due the association. The receiver may, with respect to the association, exercise the powers a conservator of a Federal association may, with or without approval of the Board or the Director and whether or not under the direction of the General Counsel of the Board, exercise under paragraphs (a) through (f), (k), (l), (n), and (o) of § 548.2. In interpreting those paragraphs for purposes of this section the word "receiver" shall be read for "conservator," "receivership," for "conservatorship," and any requirement that the Board or the Director approve terms and conditions of a transaction shall not apply.

(b) The receiver may also:

(1) Employ any attorney(s) designated by, or acceptable to the Board's General Counsel to give legal advice and assistance, for the receivership generally or in particular instances, and pay their retainers, compensation, and expenses, including litigation

costs, as approved by the General Counsel, from the association's assets;

(2) Execute, acknowledge, and deliver any instrument necessary for any purpose, and any instrument executed under this paragraph shall be as valid and effectual as if it had been executed by the association's officers by authority of its board of directors;

(3) Deposit funds collected in any bank(s) insured by the Federal Deposit Insurance Corporation, in a bank, or any other banks or depositories approved for that purpose by the Board. All depository bank accounts of the receiver shall be carried as follows: "Federal Savings and Loan Insurance Corporation, Receiver for ———— Association";

(4) Sell for cash or on terms, or otherwise dispose of, in whole or in part, any mortgage, deed of trust, chose in action, bond, note, contract, judgment or decree, stock, or debt owing to the association, or any assets and property of the association;

(5) With Board approval, and on terms and conditions it approves, borrow money in any amount, from any source, and in any manner, and execute, acknowledge, and deliver evidence of indebtedness therefor and secure repayment thereof by mortgage, pledge, assignment in trust, or hypothecation of any property of the association.

§ 549.4 Creditor claims.

(a) When directed to do so by the Board, the receiver shall promptly publish a notice to the association's creditors to present their claims, with proof thereof, to the receiver by a date specified in the notice (at least 90 days after first publication). The notice shall be published again approximately 1 month and 2 months respectively after first publication. Claims filed after the specified date shall be disallowed, except as the Board may approve them for whole or part payment from the association's assets remaining undistributed at the time of approval. The receiver shall mail a similar notice to any creditor shown on the association's books at the creditor's last address appearing thereon.

(b) The receiver shall allow any claim seasonably received and proved to its satisfaction. The receiver may wholly or partly disallow any creditor claim or claim of security, preference, or priority not so proved, and shall notify the claimant of the disallowance and the reason therefor. Mailing notice of the disallowance to the claimant's last address appearing on the association's books or on the proof of claim shall be sufficient notice. Unless, within 30 days after notice is mailed, the claimant files a written request for payment regardless of the disallowance, disallowance shall be final, except as the Board may otherwise determine.

(c) Upon expiration of the specified time for presenting claims, the receiver shall cause to be filed with the Board a complete list of claims presented, indicating the character of each claim and whether allowed by the receiver. At such other date(s) as the Board may order or the receiver may determine, a list of claims presented before that date shall be filed with the Board.

(d) Creditor claims which were allowed by the receiver or approved by the Board shall be paid by the receiver, from time to time, to the extent funds are available, in such manner and amounts as the Board may direct.

§ 549.5 Share interest claims.

(a) When directed to do so by the Board, the receiver shall promptly publish a notice to the association's shareholders to provide the receiver, before a date specified in the notice, their sworn proofs of claim of share ownership. The notice shall specify a date 3 years after the date of the receiver's appointment and urge that claims of ownership be presented promptly. It shall be published again approximately 1 year and 2 years respectively after the date of the first publication. Claims filed after the specified date shall be disallowed, except as the Board may thereafter approve them for whole or part payment from the association's assets remaining undistributed at the time of approval. The receiver shall mail a similar notice to any shareholder shown on the association's books at the shareholder's last address appearing thereon, unless the shareholder's account has been, or is being, surrendered or transferred to the Corporation. When the first liquidating dividend is declared, the receiver shall credit to a special reserve the proportionate shares of that dividend otherwise payable to holders of unclaimed share accounts appearing on the association's books to be outstanding and valid, and similar credits shall be made for any subsequent liquidating dividend declared before the date specified in the notice. The final liquidating dividend to shareholders whose claims of ownership have been allowed may include any sums held in such accounts, but the dividend shall not be paid before the specified date.

(b) The receiver shall allow any ownership proved to its satisfaction. The receiver may wholly or partly disallow any claim of share interest not so proved and shall notify the claimant of the disallowance and the reason therefor. Mailing notice of the disallowance to the claimant's last address appearing on the association's books shall be sufficient notice. Unless, within 30 days after notice is mailed, the claimant files a written request for payment regardless of the disallowance, disallowance shall be final, except as the Board may otherwise determine.

(c) Upon expiration of the specified time for presenting claims, the receiver shall cause to be filed with the Board a complete list of claims presented, indicating the characted of each claim and whether allowed by the receiver. At such other date(s) as the Board may order or the receiver may determine, a list of claims presented before that date shall be filed with the Board.

(d) When insurance is paid to the accountholder, transfer of the insured account to the Corporation, and the Corporation's subrogation with respect to the account to the extent provided by law, shall be noted on the books of the receivership.

(e) Allowed claims of share interest to which the Corporation has become subrogated, uninsured claims allowed by the receiver, and claims approved for payment by the Board, shall be paid by the receiver in liquidating dividends declared from time to time by the Board, to the extent funds are available, in such manner and amounts as the Board may direct.

§ 549.5–1 Deposit associations.

(a) If a Federal association is a deposit association, this section shall apply in lieu of §§ 549.4 and 549.5.

(b)(1) When directed to do so by the Board, the receiver shall promptly publish a notice to the association's creditors and to holders of its savings deposits and savings accounts to present their claims, with proof thereof, to the receiver by a date specified in the notice (at least 90 days after publication). The notice shall be published again approximately 1 month and 2 months respectively after the date of first publication. Claims filed after the specified date shall be disallowed, except as the Board may thereafter approve them for whole or part payment from the association's assets remaining undistributed at the time of approval. However, if the claim is with respect to a savings deposit or savings account and is filed during the 3-year period specified under paragraph (c)(1) of this section, the filing shall be seasonable under that paragraph. The receiver shall mail a similar notice to any creditor, holder of a savings deposit, or holder of a savings account shown on the association's books at the last address of the creditor or holder appearing thereon, except the notice need not be mailed to any holder whose deposit or account has been, or is being, surrendered or transferred to the Corporation. A claim filed under this paragraph (b) asserts all rights of the claimant to the withdrawal value of the account and to share in the association's remaining assets.

(2) The receiver shall approve any seasonably filed claim proved to its satisfaction. The receiver may wholly or partly disallow any claim of security, preference, or priority not so proved and shall notify the claimant of the disallowance and the reason therefor. Mailing notice of the disallowance to the claimant's last address appearing on the association's books or the proof of claim shall be sufficient notice. Unless, within 30 days after the notice is mailed, the claimant files a written request for payment, regardless of the disallowance, disallowance shall be final, except as the Board may otherwise determine.

(3) Upon expiration of the specified time for presenting claims, the receiver shall cause to be filed with the Board a complete list of the claims presented, indicating the character of each claim and whether allowed by the receiver. At such other date(s) as the Board may order or the receiver may determine, a list of claims presented before that date shall be filed with the Board.

(4) Claims which were, under this subsection, allowed by the receiver or approved by the Board shall be paid by the receiver, from time to time, to the extent funds are available, in such manner and amounts as the Board may direct.

(c)(1) When directed to do so by the Board, the receiver shall promptly, but not before the date specified in the notice under paragraph (b)(1), publish a notice to the holder of the association's savings accounts and savings deposits, except deposits and accounts with respect to which claims have previously been filed with the receiver, to present their claims, with proof thereof, to the receiver by a date specified in the notice. The notice shall specify a date 3 years after the date of the receiver's appointment and urge that claims be presented promptly. It shall be published again approximately 1 year and 2 years respectively after the date of the first publication. Claims filed after the specified date shall be disallowed, except as the Board may thereafter approve them for whole or part payment from the associaton's assets remaining undistributed at the time of approval. When the first liquidating dividend is declared, the receiver shall credit to a special reserve the proportionate shares of that dividend otherwise payable to the holder of unclaimed savings accounts and savings deposits appearing on the association's books to be outstanding and valid, and similar credits shall be made for any subsequent liquidating dividends declared before the date specified in the notice. The final liquidating dividend to holders of claims allowed or approved for payment by the Board may include any amounts previously undistributed, but shall not be paid before the specified date. Distributions made or made available on savings accounts or savings deposits under subsection (b) shall be treated as if they had been made or made available as liquidating dividends under this paragraph (c)(1), but this sentence does not authorize recapture of any such dividend. Paragraph (b)(2) applies also to claims filed under this paragraph (1).

(2) Upon expiration of the 3-year period, the receiver shall cause to be filed with the Board a complete list of the claims presented with respect to savings deposits and savings accounts and not included in any list previously filed under paragraph (b)(3). The list shall indicate the character of each claim and whether allowed by the receiver. On such other date(s) as the Board may order or the receiver may determine a list of claims presented before that date shall be filed with the Board.

(3) When insurance is paid to the holder of a savings deposit or savings account, transfer of the insured account or deposit to the Corporation, and the Corporation's subrogation with respect to the deposit or account to the extent provided by law, shall be noted on the books of the receivership.

(4) Allowed claims with respect to savings deposits or savings accounts to which the corporation has become subrogated, uninsured claims allowed by the receiver, and claims approved for payment by the Board shall be paid by the receiver in liquidating dividends declared from time to time by the Board, to the extent funds are available, in such manner and amounts as the Board may direct.

§ 549.6 Inventory; examinations and audits, and costs thereof; accounting practices.

(a) *Inventory.* As soon as practicable after taking possession, the receiver shall make an inventory of the association's assets as of the date possession was taken. It shall include the value on the association's books of the asset, any security therefor, and a brief description of the asset and security. The Board must be satisfied that the method of listing assets provides such information. One copy of the inventory shall be filed with the Secretary to the Board, one copy with the Corporation, and one copy retained in the principal office for liquidation of the association while the office is maintained.

(b) *Examinations and audits, and costs thereof.* Each Federal association for which a receiver has been appointed shall be examined and audited (with appraisals when deemed advisable by the Board) at least annually by the Office of Examinations and Supervision or as otherwise directed by the Board. The cost, as determined by the Board, including office analysis and appraisals, shall be paid from the association's assets.

(c) *Accounting practices; reports.* The receiver may, from time to time, prescribe accounting practices to be followed. It shall make a report to the Board of its affairs as of June 30 each year on forms it or the Board prescribes, and such other reports as it or the Board may require. Each recommendation for declaration and payment of a liquidity dividend shall be accompanied by a report showing available assets. One copy of reports required by this section shall be filed with the Secretary to the Board, one copy shall be retained by the Corporation, and one copy shall be retained in the principal office for liquidation of the association while the office is maintained.

§ 549.7 Final discharge and release of receiver.

When the receiver recommends final distribution of assets or is otherwise relieved of its duties, it shall file with the Board a detailed report in form satisfactory to the Board. Unless the Board otherwise directs, upon final liquidation of the receivership or when the receiver completes, or is otherwise relieved of, its duties, the receivership shall be examined and audited. The receiver's accounts shall thereupon be approved or disapproved, and if approved, the receiver shall thereby be completely and finally released.

§ 549.8 Inspection of reports.

The receiver's inventories, statements, and reports shall be in at least as many copies as these regulations require or as the Board otherwise directs. One copy shall be filed with the Board and one with the Corporation, and each shall constitute permanent records of the liquidation open for inspection at such time and on such conditions as the Board may direct, or in the absence of such direction, whenever the office of the Secretary to the Board is open for business.

PART 550—CEASE-AND-DESIST AND SUSPENSION AND REMOVAL ORDERS

In Part 550 it is proposed to delete § 550.7, effective ——, as follows:

§ 550.7 [Deleted]

It is proposed to revise Part 551 as set forth below:

PART 551—SERVICE OF PROCESS UPON BOARD

§ 551.1 Service of process.

Service of process may be made upon the Board by delivering a copy of the summons and complaint to the U.S. Attorney for the district in which the action is brought or to an assistant

U.S. Attorney or clerical employee designated by the U.S. Attorney in a writing filed with the clerk of the court, and by sending copies of the summons and of the complaint by registered or certified mail to the Attorney General of the United States, Washington, D.C., and to the Secretary to the Board.

[Sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR, 1943-48 Comp., p. 1071]

PART 552—STOCK ASSOCIATIONS

In Part 552, revise paragraphs (b) and (f)(2) of § 552.8 and revise § 552.9 as follows:

§ 552.8 Savings deposits.

* * * * *

(b) *Terms of savings deposits; membership and voting rights.* To the extent not inconsistent with this section, savings deposits authorized by this section shall be on the same basis, terms, and conditions and have the same characteristics as if they were authorized by and subject to §§ 545.1-2, 545.1-3, 545.1-4 or 545.3-1(a), (e), and (f). Holders of such savings deposits shall not be members of the association or have voting rights.

* * * * *

(f) *Ancillary provisions.*

* * * * *

(2) *Forms of certificate.* Except as the Board may otherwise provide, a Charter S association shall use for savings deposits authorized by this section a form of certificate which may be used for a corresponding savings deposit authorized under §§ 545.1-2, 545.1-3, 545.1-4 or 545.3-1(a), (e), or (f). However, the form shall be modified to eliminate any language referring to (i) dividends, (ii) membership or voting rights, and (iii) any right to share upon liquidation in assets of the association, other than in the capacity of a general creditor.

* * * * *

§ 552.9 Investments, services, and borrowings.

A charter S association may: (1) make any loan or investment authorized by this subchapter for a Charter N association, (2) be surety and perform such services as are authorized by this subchapter for a Charter N association; and (3) borrow, issue obligations, and give security to the same extent authorized by this subchapter for a Charter N association which has amended its charter under § 544.2(f) of this subchapter.

PART 555— BOARD RULINGS

In Part 555, revise §§ 551.1 through 555.11 as set forth below:

§ 555.1 Directors.

(a) *Number necessary for quorum.* If the number of directors provided for in the bylaws or fixed by resolution of the members has been elected, a majority of that number constitutes a quorum, regardless of any subsequent reduction in the number of directors actually serving. An increase in the authorized number of directors does not affect the number required for a quorum until the newly created directorships are filled.

(b) *Directors' Power to fill vacancies.* The Board of directors of a Federal mutual association which has the prescribed bylaws may, without calling a special meeting of the members, elect directors to fill vacancies, including vacancies caused by resignation or by increase in the number of directors, unless the number was increased by a vote of the members and they elected directors to fill the new positions. Each director so elected by the board of directors shall serve until the next annual meeting of the members.

§ 555.2 Power to engage in escrow business.

A Federal association may not act generally as an agent for the public in handling escrows. It may, however, handle escrows relating to real estate loans it makes and, to the extent reasonably incidental to accomplishing its express purposes, may handle escrows for others involving the type of real estate transactions common to the savings and loan business. In handling any escrow, it may not assume duties or responsibilities or perform acts beyond its power under the Act, these regulations, or its charter.

§ 555.3 Real estate.

(a) For lending purposes, a motel is generally considered "other improved real estate." However, if the business use (tourist units) is merely incidental to its use as the borrower's residence, it qualifies as combination home and business property.

(b) *Definition of completed.* For purposes of § 545.6-2(a)(2) regarding loans in excess of 80 percent of value, construction is "completed" when, in conformity with general practice in the community, a residential structure is ready for occupancy. For example, community custom and practice determine whether a house is completed when weather prevents application of the final coat of paint or when the street is unfinished but sufficient funds are held in escrow until completion.

(c) *Purchase of paving certificates.* A Federal association may purchase a paving certificate which constitutes a lien on property securing an association loan, if necessary to protect its interest in the property. However, it may not acquire such a certificate as an investment or as to property on which it does not have a mortgage.

§ 555.4 Shares pledged as security for excess over 90 percent loaned.

A loan may not be made under § 545.6-2(a)(2) of this subchapter for an amount in excess of the maximum therein provided, with the excess secured by a pledge of a savings account. The maximum amount of the principal obligation of a loan made under that section is limited to (1) $75,000 ($112,500 for security property in Alaska, Guam, or Hawaii), or (2) 90 percent of the value of the real estate or, if the loan is made to finance purchase of the real estate, 90 percent of the purchase price, whichever is lower. The amount of the principal obligation is, therefore, determined only by a formula strictly related to either purchase price or value of the property, with a specified dollar-amount ceiling.

§ 555.5 Insurance.

(a) *Control over placing of hazard insurance.* A Federal association's board of directors has the duty to establish and maintain such requirements over hazard insurance as it considers necessary to protect the association's interest in real estate security for its loans. The requirements may include establishment of fair standards based on such factors as recognized financial ratings of insurers and coverage forms, but such standards may not be based on the insurer's corporate structure. Subject to this limitation, the borrower should have reasonable freedom of choice in placing hazard insurance on the real estate security.

(b) *Advances for premiums on life insurance.* Section 545.8-3 of this subchapter authorizes an association to make uninsured advances for payment of life insurance premiums in connection with real estate loans. However, applicable law and regulations do not permit indiscriminate making of unsecured loans to finance life insurance premiums. No lending program which in general contemplates or promises such advances is authorized.

§ 555.6 Refinancing unsecured loans.

An uninsured, unsecured loan to refinance a loan previously made by another association for property alteration, repair, or improvement is not within a Federal association's authority under § 5(c) of the Act to invest in other loans for property alteration, repair, or improvement. A Federal association may, however, make an uninsured, unsecured loan to refinance for

a borrower the unpaid balance of a loan that the association previously made to that borrower under § 545.6-11(b) and that it still holds, if the refinancing loan is evidenced by a note(s) whose amount(s) and terms are such that the loans could be made as an original loan under § 545.6-11(b). The refinanced loan may exceed $15,000 if the excess is caused solely by inclusion of loan charges permissible under § 545.8-2, inclusion of accrued interest (whether due or not), or carrying over original gross charges into the new note(s).

§ 555.7 Purchase of shares with proceeds of a share loan.

A savings account in sufficient amount must be in existence before a share loan may be made, and no part of the proceeds of the loan may be used as collateral for the loan. Section 5(a) of the Act as implemented by § 545.7 of this subchapter permits a share loan to be made only to the extent shares offered as collateral have been fully paid.

§ 555.8 Savings accounts.

(a) *Date payments considered received.* If a Federal association has fixed a determination date as provided in its charter, it usually must actually receive payments on its savings accounts by that date to consider them received on the first of the month. However, in a month when the determination date falls on a nonbusiness day for the association, it may consider payments received on the next business day after the determination date as received on the first of the month. The association may not, however, represent generally that payments received on a date later than the determination date receive earnings from the first, without stating the month in which that will occur.

(b) *Redemption of savings accounts must not be discriminatory.* Section 7 of a Federal mutual association's charter does not empower the association to redeem a shareholder's account discriminatorily. Authority to redeem savings accounts "by lot or otherwise" permits redemption only by methods similar to determination by lot, i.e., that are non-discriminatory.

(c) *Distribution of earnings before close of earnings period.* Earnings may be made available on the last day of an earnings period on which the association is open for business and may be paid for the entire period on savings withdrawn on that day.

(d) *Sale of merchandise in connection with soliciting savings accounts.* Even though a Federal association may (under § 563.24 of subchapter D) give away merchandise, within expressly-stated limits, in connection with opening or increasing savings accounts, it may not, as an incident to powers prescribed in its charter, sell, except in connection with such a promotional campaign, merchandise other than coin banks and similar coin-savings devices.

§ 555.9 Effect of loan participation on status of borrowing members.

Solely for the purpose of determining borrower membership in a Federal mutual association under Parts 544 and 563b of this chapter, a person is a borrowing member of the association under its charter only if the association has singly or jointly originated a loan to the person, the loan has not been fully repaid, and the association has not sold its entire ownership interest in the loan to a third party or parties. If the loan is assumed in full, the person assuming the loan becomes a borrowing member of the association in lieu of the original borrower, regardless of whether the original borrower remains obligated on the loan.

§ 555.10 Service corporation secured debt limitation.

The unpaid balance of a note executed by a service corporation and secured by a mortgage or similar obligation is debt under § 545.9-1(c)(3), even if the holder of the note, in the event of default, may proceed only against the security property and has no legal basis for recovery of any deficiency from the service corporation.

§ 555.11 Loans for acquisition and development of land.

A Federal association may make a loan under § 545.6-5 to finance development of land to which the borrower already has title, but it may not make a loan under that section to finance purchase of land already completely developed into building sites.

It is proposed to leave § 555.12 unchanged and to revise §§ 555.13 through 555.15 and §§ 555.17 and 555.18 as follows:

§ 555.12 Drive-in and pedestrian facilities.

* * * * *

§ 555.13 First liens on properties sold by the Secretary of HUD.

Under section 5(c) of the act a Federal association may make mortgage loans insured by the Federal Housing Administration and secured by first liens on improved real estate. The Secretary of HUD, when disposing of properties acquired by lien under default provisions of an earlier insured loan may sell the properties to individuals and insure new loans to finance those purchases. Under the procedure prescribed in 12 CFR 203.390 and 203.402, such mortgages may be insured without documentary evidence establishing the quality and validity of the mortgagee's lien. Because that procedure offers protection to Federal associations equivalent to that of a first lien, such loans shall be considered secured by a first lien even though new title evidence has not been obtained.

§ 555.14 Chief executive officer of a branch office.

Section 5 of a Federal mutual association's bylaws provides, in part, that the association's board of directors may appoint such officers as they may determine from time to time. They may also designate appropriate titles for officers so appointed whose titles are not specified in the bylaws. The chief executive officer of a branch office may be titled division president, branch manager, or any other appropriate title which does not suggest that the branch office is an autonomous association.

§ 555.15 Prepayment penalty on mortgage loans.

Section 545.8-4(b) makes clear that charging a prepayment penalty is a matter of contract between a Federal association and a borrower, and that the borrower may wholly or partly prepay the loan without penalty unless the loan contract contains an express provision imposing a prepayment penalty. Section 545.8-4(b) also authorizes a Federal association to include a provision in its loan contract with a borrower (who occupies or will occupy the home securing the mortgage loan) imposing a prepayment penalty at any amount up to, but not exceeding, a specified limit. Thus, in view of the controlling Federal regulation, a Federal association may include a prepayment provision in the loan contract up to the maximum limitation of § 545.8-4(b) regardless of conflicting State law which sets a lower limit or imposes a different type of prepayment penalty, but it may not charge a prepayment penalty exceeding the limit in § 545.8-4(b) even if State law allows a higher charge.

§ 555.17 Insurance agencies—usurpation of corporate opportunity.

(a) *Definitions.* As used in this section—

(1) "Owned" and "ownership", in connection with an insurance agency, include, in addition to ownership by a person: (i) Ownership by the person's spouse, minor child, or other relative by blood or marriage having the same home as the person; (ii) ownership through a broker or other nominee or agent; or (iii) ownership by a company controlled by the person. However, the terms do not include ownership by one such person of less than 10 percent of the insurance agency, or ownership by more than one such person of less than 25 percent of the agency;

(2) "Referral" means directing the business of association members to an affiliated insurance agency, but does not include offering association members, without specific recommendation, a list of approved insurance agencies, including the affiliated agency, unless the list is designed or given in a manner calculated to cause members to select the affiliated agency over the other listed agencies;

(3) "Profits" means any form of remuneration received, or to be received, by officers, directors, or controlling persons of the association other than salaries, fees, or commissions based upon, and reasonably related to, services actually performed respecting an insurance agency.

(b) *General.* Subject to exceptions in paragraph (c) of this section, as limited by paragraph (d), and § 545.27 of this subchapter, referral of insurance business of an association's members to an insurance agency owned by one or more officers or directors of the association, or by one or more persons having the power to direct its management, constitutes usurpation of the association's corporate opportunity to engage in the insurance business.

(c) *Exceptions.* No corporate opportunity for a Federal association to enter the insurance business is deemed to have existed—(1) If the referral described in paragraph (b) took place: (i) While application for permission to engage in the insurance business was on file with the appropriate State agencies and/or the Board; (ii) Before May 20, 1971; (iii) While a specific State statute or regulation precluded Federal association service corporations (or their wholly owned subsidiaries) from engaging in the insurance business; (iv) While State licensing or regulatory authorities whose prior approval is required to engage in the insurance business followed an established and well-known policy of refusing to accept or process applications from Federal association service corporations (or their wholly-owned subsidiaries) for permission to engage in the insurance business (an association need not demonstrate existence of such a policy by instituting legal proceedings to compel approval); and (v) During a reasonable period (not over 18 months) following (*a*) May 20, 1971 or (*b*) a change in the State statute or regulation described in paragraph (iii) or policy described in paragraph (iv) for the association to have investigated the feasibility and desirability of acquiring or establishing its own service corporation insurance business and to have prepared and filed application with respect thereto;

(2) If the association, after filing any necessary application and making a bona fide attempt to obtain any necessary approvals (such attempt need not involve instituting legal proceedings to compel such approvals), was denied permission by the appropriate State licensing or regulatory authorities for its service corporation, or a wholly-owned subsidiary thereof, to engage in the insurance business;

(3) If a disinterested and independent majority of the Federal association's board of directors, after receiving a full and fair presentation of the matter, rejected the opportunity to engage in the insurance business through acquisition or de novo, as a matter of sound business judgment, taking into consideration such factors as the financial resources of the association to establish or acquire an insurance agency, the risks involved in entering the insurance business, and the projected profitability of the agency; or if involvement in the existing affiliated insurance agency by members of the association's board of directors prevented a decision by a majority of disinterested and independent directors, the matter was submitted to the vote of the association's members at a special annual meeting (no existing proxies may be used at such meetings and proxy solicitations must be accompanied by material which makes full, fair, and accurate disclosure of all relevant material and information respecting the corporate opportunity to enter the insurance business);

(4) If lack of economic justification for the association to engage in the insurance business by either acquiring an existing affiliated insurance agency, or establishing or purchasing another insurance agency, was duly established.

(d) *Limitation to certain exceptions.* (1) Notwithstanding the provisions of paragraphs (c)(i), (iii), (iv), and paragraph (c)(3) of this section, the exceptions provided thereunder do not apply to any period of time over 18 months after May 20, 1971, during which the conditions or actions described did not exist or were not instituted.

(2) It is no defense to the charge of usurpation of corporate opportunity that the existing affiliated insurance agency which the association could have acquired engages in business in which a service corporation may not engage under § 545.9-1 of this chapter, unless it was determined whether (i) the portion of the business of the existing affiliated insurance agency related to referrals from members of the association could have been acquired by the association or (ii) it was feasible and desirable for the association, by means of a service corporation, or its wholly owned subsidiary, to establish or acquire its own insurance agency.

(e) *Relief required.* (1) Usurpation of corporate opportunity under paragraph (b) of this section entitles the association to the resulting profits of the affiliated insurance agency during the period of usurpation, if such profits are attributable to (i) referrals by the association of the association borrowers to the agency during that period and (ii) renewals of such referrals made during such period, unless it can be shown that such renewals were made for a reason other than maintaining the original placement. The association is not entitled to profits for referrals (or renewals thereof) made before the period of usurpation or for referrals (or renewals thereof) made after the corporate opportunity ceased to exist.

(2) Notwithstanding paragraph (e)(1), an association whose corporate opportunity was usurped under this section is not entitled to recover insurance agency profits: (i) which exceed profits actually accruing to the association's officers, directors, or controlling persons (e.g., their pro rata share of the profits based on their partial ownership of the insurance agency) during the period of usurpation; or (ii) from a person who was an officer of the association during the period of usurpation, if it is clearly shown that the person's receipt of such profits was in lieu of a portion of what otherwise would have been officer's compensation (profits that exceed an amount which could reasonably be regarded to have been in lieu of compensation, based on compensation of persons in comparable positions, are recoverable).

§ 555.18 Deposit assurance of direct deposit of social security payments.

(a) Under the Social Security Administration's "direct deposit program," a social security beneficiary may designate a financial institution, including a Federal association, to receive the beneficiary's benefit payments. Thereafter, benefit payments are made directly to the institution in the form of checks or magnetic tape notices.

(b) The Board has concluded that giving "deposit assurance" in connection with the program is within a Federal association's implied powers under section 5 of the act. Deposit assurance consists of the association's undertaking to credit the beneficiary's account with a "deposit" in the amount of the benefit payment on the date it is due to be received, whether or not the association actually receives the check or magnetic tape notice from the Treasury by that date. The Board has concluded, based on the unique nature of the social security direct-deposit program and the improbability of failure to receive payments on time, that the association "constructively" receives payment on that date.

(c) The Board believes, however, that such deposit assurance may in-

volve some risk for Federal associations participating in the program and that they must therefore institute adequate safeguards and controls in conjunction therewith.

PART 556—STATEMENTS OF POLICY

In part 556, it is proposed to delete § 556.1 (effective ——), as follows:

§ 556.1 [Deleted]

It is proposed to amend §§ 556.7 through 556.9 to read as follows:

§ 556.7 Service corporation involvement with gold or gold-related transactions.

Section 545.9-1 authorizes Federal associations to invest in service corporations engaging in certain preapproved activities and any other activities the Board approves upon application. Because transactions or activities involving gold (including gold coins) or gold related instruments or securities are not preapproved and the Board will not approve such activities or transactions on application, Federal associations should not invest, or maintain an investment, in a service corporation engaging in such transactions or activities.

§ 556.8 Suretyship.

The Board will authorize a Federal association to be surety under § 545.24-2 of this subchapter only if such activity would be properly incident to its other authorized activities.

§ 556.9 Imposition of late charges and due-on-sale clauses.

(a) The Board expects Federal associations to adopt procedures sufficient to ensure that, by the time of loan closing, the rights and obligations of the contracting parties regarding imposition of late charges and prepayment charges and exercise of acceleration clauses (including due-on-sale clauses) are fully and specifically disclosed to the borrower.

(b)(1) Although § 545.8-3(g) of this subchapter prohibits imposition of a prepayment charge upon exercise of a due-on-sale clause only with respect to loans on borrower-occupied homes made after July 31, 1976, the Board looks with disfavor on the practice respecting all such loans and believes associations should, except in extraordinary circumstances, abstain from the practice in connection with such loans made before that date.

(2) Although there is no maximum limitation on the amount of late charges a Federal association may assess or collect, under contract, on loans made before August 1, 1976, secured by borrower occupied homes, the Board expects associations to be reasonable and fair in assessing and collecting late charges against delinquent borrowers as to such loans, taking into consideration the reason for delinquency, the length of delinquency, and the borrower's past practice respecting delinquencies.

(c) The Board believes there may be (in addition to the circumstances prescribed in § 545.8-3(g) in which exercise of a due-on-sale clause is prohibited) situations in which it will be appropriate for a Federal association to waive its contractual right to accelerate a loan. Those situations include transfer of title to members of the borrower's immediate family, including a former spouse in connection with a divorce, who occupy or will occupy the property (to the extent not covered by § 545.8-3(g)). Associations also should consider waiving, in cases of extreme hardship to the existing borrower, any right to require an increase in interest rate under a due-on-sale clause.

(d) Even though a Federal association may increase the interest rate as a condition of loan assumption, the Board expects that no association will request such an increase to a rate exceeding the them prevailing rate on comparable new loans made by the association applying its normal lending standards.

(e) Section 545.8-3(g) does not prohibit an association from requiring, as a condition to an assumption, continued maintenance of mortgage insurance by the existing borrower's successor in interest, whether by endorsement of the existing policy or by entrance into a new contract of insurance.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-19511 Filed 7-14-78; 8:45 am]

federal register

MONDAY, JULY 17, 1978
PART IV



DEPARTMENT OF TRANSPORTATION

Coast Guard

■

SMALL PASSENGER CARRYING VESSELS

Expiration Date Stickers; Requirements

[4910-14]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-162]

PART 176—INSPECTION AND CERTIFICATION

Expiration Date Stickers

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the regulations for small passenger vessels under 100 gross tons that carry passengers or passengers for hire under the provisions of subchapter T by requiring them to display an expiration date sticker that terminates concurrently with the vessel's Certificate of Inspection. The public, in general, is unaware of the Coast Guard's inspection requirements for small, passenger carrying vessels. This rule will increase public awareness of these inspection requirements and induce people to favor small passenger vessels which indicate that they meet the requirements.

EFFECTIVE DATE: October 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

DRAFTING INFORMATION

The principal program person and lawyer involved in the drafting of this rulemaking are: Mr. John A. Crawford, Project Manager, Office of Merchant Marine Safety, and Lt. G. S. Karavitis, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF COMMENTS

On August 29, 1977, the Coast Guard published a Notice of Proposed Rulemaking (42 FR 43413). In that document the Coast Guard noted the desire to increase public awareness of the inspection requirements for small passenger vessels subject to 46 CFR subchapter T, and the hope that this increased awareness would lead to an avoidance by the public of vessels operated in violation of subchapter T. The proposal suggested that stickers marked with the expiration date of the vessel's Certificate of Inspection would provide an easy means of recognizing vessels which meet the requirements. This would be of value to both the public and Coast Guard law enforcement personnel. The public was invited to comment on the proposal.

The Coast Guard has received 14 comments which indicate approval of this proposed rule by individuals and organizations. Two comments were received which raised questions about the effectiveness of the rule and one comment was received which approved of the intent, but questioned the application of this rule to certain vessels.

One of the approving commentors questioned whether vessel passengers would understand the meaning of the sticker and suggested that the vessel operators be required to provide a "brief printed notice" to passengers. The Coast Guard has recently published a pamphlet designed to fill this need, "Safety for Small Passenger Vessels," CG-491. It is available to operators of subchapter T vessels and they are encouraged to distribute it to passengers.

Another approving commentor recommended that cognizant Officers in Charge, Marine Inspection monitor the expiration of Certificates of Inspection, restrain the uninspected vessels from further sailing, and require the posting of Notice of Certificate Expiration on the vessel. The Coast Guard does not have the authority under present inspection laws and regulations to restrain these vessels from sailing unless they are carrying more than six passengers for hire. The Certificate Expiration Date Sticker includes the expiration date of the Certificate on the sticker. After this date the carriage of more than six passengers without a posted sticker would alert Coast Guard enforcement personnel to a violation of the inspection laws.

One commentor questioned how passengers would be informed concerning a T-boat operating illegally since it would not have a sticker. The sticker is only one part of a broad public information program the Coast Guard is implementing to raise the awareness of users of subchapter T vessels, and the Coast Guard believes the sticker is a necessary component of the broad program.

Another commentor indicated that children could remove the stickers from the window. The Coast Guard believes that the placement of stickers under this rule is flexible enough to accommodate problems such as this.

Comments received from the National Park Service indicated approval of the regulation in all respects except one. On certain whitewater rafts there is no location which meets the requirements for posting of the sticker. The Park Service recommended that the regulation be revised so as to allow the Coast Guard marine inspector to designate an alternate location for the sticker when the construction of a vessel offers no location meeting the requirements as stated in the regulation. The Coast Guard agrees with the Park Service that a problem concerning sticker posting exists for whitewater rafts. However, regulations are currently being drafted specifically for whitewater rafts. The matter of stickers for rafts will be addressed in those regulations.

The penalty provisions in 46 U.S.C. 390(d) are applicable.

The Coast Guard has evaluated this proposal under the Department of Transportation Policies for Improving Government Regulations, published March 8, 1978 (43 FR 9582). The expected environmental and inflationary impacts are expected to be negligible. In consideration of the foregoing, Part 176 of Title 46 of the Code of Federal Regulations is amended by adding a new § 176.01-45 to read as follows:

§ 176.01-45 Certification expiration date stickers.

(a) The owner, master, or person in charge of a vessel that is issued a Certificate of Inspection under the provisions of this subchapter must not operate the vessel without a Certification Expiration Date Sticker affixed to the vessel on a place that is:

(1) On a glass or smooth metal surface from which the sticker may be removed without damage to the vessel;

(2) readily visible to each boarding passenger and to patrolling Coast Guard law enforcement personnel; and

(3) acceptable to the Coast Guard marine inspector.

(b) The Coast Guard marine inspector may require the placement of more than one sticker in order to insure compliance with paragraph (a)(2) of this section.

(c) A Certification Expiration Date Sticker indicates the date upon which the vessel's Certificate of Inspection expires and is provided by the Officer in Charge, Marine Inspection, in the number required, upon issuance or renewal of the Certificate of Inspection.

(Sec. 3, 70 Stat. 152 (46 U.S.C. 390b), sec. 6(b), 80 Stat. 937 (49 U.S.C. 1655(b)(1)), 49 CFR 1.46.)

NOTE: The Coast Guard has determined that this document does not contain a major action requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: July 7, 1978.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 78-19623 Filed 6-14-78; 8:45 am]

federal register

MONDAY, JULY 17, 1978
PART V



OFFICE OF MANAGEMENT AND BUDGET

■

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

July 1978

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

July 1978

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of July 1, 1978, of four rescissions contained in the 14th, 15th, and 17th special messages of fiscal year 1977 and six rescissions and 66 deferrals contained in the first nine special messages for fiscal year 1978. These messages were transmitted to the Congress on July 19 (both the 14th and 15th messages), July 26, September 23, October 3, November 10, December 15, 1977, January 27, February 23, March 10, May 12, and June 5, 1978.

Rescissions (table A and attachment A). Two rescission proposals totaling $78 million in budget authority are presently before the Congress. Table A summarizes the status of rescissions proposed by the President as of July 1, 1978, while attachment A shows the history and status of each rescission proposed for fiscal year 1978. Also included are four rescission proposals totaling $643.4 million made in fiscal year 1977 but carried into fiscal year 1978 and a single fiscal year 1978 rescission for $2.7 million which has been reclassified as a deferral.

Deferral (table B and attachment B). As of July 1, 1978, $3,340.4 million in 1978 budget authority was being deferred from obligation and another $7.3 million in 1978 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President, and attachment B shows the history and status of each deferral reported during fiscal year 1978.

Information from special messages. The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Friday, July 22, 1977 (vol. 42, No. 141, part V) (both the 14th and 15th 1977 special messages).
Friday, July 29, 1977 (vol. 42, No. 146, part VIII) (17th 1977 special message).
Thursday, September 29, 1977 (vol. 42, No. 189, part IX).
Friday, October 7, 1977 (vol. 42, No. 195, part IV).
Thursday, November 15, 1977 (vol. 42, No. 220, part IV).
Wednesday, December 21, 1977 (vol. 42, No. 245, part IV).
Wednesday, February 1, 1978 (vol. 43, No. 22, part VII).
Wednesday, March 1, 1978 (vol. 43, No. 41, part VII).
Thursday, March 16, 1978 (vol. 43, No. 52, part VII).
Thursday, May 18, 1978 (vol. 43, No. 97, part III).
Friday, June 9, 1978 (vol. 43, No. 112, part V).

JAMES T. MCINTYRE, Jr.,
Director.

TABLE A

STATUS OF 1978 RESCISSION PROPOSALS

	Amount (In millions of dollars)*
Rescissions proposed by the President	$779.3 a
Reclassified (from R78-1 to D78-54) b	-2.7
Rescinded by the Congress (R77-17, R77-18, R77-19, R78-2, R78-3, and R78-4)	-593.7 c
Rejected by the Congress (R77-20)	-105.0
Pending before the Congress	78.0

a. This amount includes $643.4 million in rescission proposals for FY 1977 which were still pending in FY 1978.

b. This rescission proposal, originally transmitted in conjunction with a request for transfer within the Department of Justice, was superseded by a deferral (D78-54) submitted to report the extension of this withholding pending final action on the transfer. The transfer was approved in the Supplemental Appropriations Act, 1978, and the deferred funds were made available.

c. Of this amount, $463.4 million, for B-1 Bomber and SRAM missile procurement, was originally proposed for rescission on July 19, 1977. These funds were made available for obligation on October 5, 1977, following the 45-day Congressional consideration period. Subsequently, the funds were rescinded by the Supplemental Appropriations Act, 1978, (P.L. 95-240).

* Detail does not add to total due to rounding.

TABLE B

STATUS OF 1978 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$4,966.8
Routine Executive releases (-$1,493.9 M) and adjustments (-$86.4 M) through July 1, 1978	-1,580.3
Overturned by the Congress	-38.8
Currently before the Congress	$3,347.7 a

a. This amount includes $7.3 million in outlays for two Department of the Treasury deferrals, (D78-28B and D78-66).

PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1978 AS OF 06/30/78 16:41

AS OF JULY 1, 1978 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
FUNDS APPROPRIATED TO THE PRESIDENT								
International Security Assistance								
Military assistance	BA	R78- 2	40,200a		1 27 78	40,200b		
	BA	R78- 6		48,000a	6 5 78			
DEPARTMENT OF AGRICULTURE								
Agricultural Stabilization & Conservation Service								
Agricultural conservation program	BA	R78- 5		30,000	5 12 78			
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								
Aircraft procurement, Air Force	BA	R77-18	462,000		7 19 77	462,000c	c	
Missle procurement, Air Force	BA	R77-19	1,400		7 19 77	1,400c	c	
	BA	R77-20	105,000		7 26 77		105,000	10 14 77
DEPARTMENT OF JUSTICE								
Law Enforcement Assistance Administration								
Salaries and expenses	BA	R78- 1d	2,668		9 23 77	e	e	
DEPARTMENT OF STATE								
International Organizations and Conferences								
Contributions for int l peacekeeping activities								

AS OF JULY 1, 1978 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	BA	R78- 3	5,000		1 27 78	5,000b		
GENERAL SERVICES ADMINISTRATION								
Real Property Activities								
Federal buildings fund								
	BA	R77-17	75,000		7 19 77	75,000f		
OTHER INDEPENDENT AGENCIES								
Federal Home Loan Bank Board								
Federal Home Loan Bank Board revolving fund								
	BA	R78- 4	10,055		1 27 78	10,055b		
TOTAL BA			701,323g	78,000		593,655	105,000	

a. This amount was initially deferred (D78-47) in a special message transmitted to the Congress on December 15, 1977.

b. P.L. 95-254.

c. These funds, originally proposed for rescission on July 19, 1977, were made available for obligation on October 5, 1977, following the 45-day Congressional consideration period. Subsequently, the funds were rescinded by the Supplemental Appropriations Act, 1978, (P.L. 95-240).

d. An opinion issued by the Comptroller General on October 28, 1977, holds that this proposal should have been classified as a deferral.

e. This rescission proposal was transmitted in conjunction with a request for transfer of the same funds within the Department of Justice (contained in the Supplemental Appropriations Act, 1978, P.L. 95-240). The proposal was superseded by a deferral (D78-54) submitted to report the extension of this withholding pending final action on the transfer. The President signed the Act on March 7, approving the transfer.

f. Public Law 95-186.

g. Of this amount $643,400,000 was proposed for rescission in FY 1977.

PAGE 3 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1978 AS OF 06/30/78 16:39

AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 07-01-78
	BA	D78-57	122,000		2 23 78				122,000
DEPARTMENT OF COMMERCE TOTAL BA			272,670	1,611		-8,511			265,770
DEPARTMENT OF DEFENSE-MILITARY									
Procurement									
Shipbuilding and conversion, Navy	BA	D78-44	871,125		11 10 77				871,125
Military Construction									
Military construction, all services	BA	D78-11	438,439		10 3 77	-232,609		1,383	207,213
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA			1,309,564			-232,609		1,383	1,078,338
DEPARTMENT OF DEFENSE-CIVIL									
Corps of Engineers									
Alaska hydroelectric power development fund	BA	D78-60	5,450		5 12 78				5,450
The Panama Canal									
Canal Zone Government: Capital outlay	BA	D78-52	309		1 27 78				309
Miscellaneous Accounts									
Wildlife conservation, etc., military reservations	BA	D78-12	458		10 3 77	-12			446
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA			6,217			-12			6,205
DEPARTMENT OF ENERGY /b									

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1978

AS OF 06/30/78 16:39

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 07-01-78
Departmental Operations									
Atomic energy defense activities	BA	D78-61	23,497		5 12 78				23,497
Energy (Plenum fill experiment)	BA	D78-31			10 3 77				
	BA	D78-31A		c	d 11 10 77				
Energy (Clean boiler fuel from coal project)	BA	D78-32	46,660		10 3 77				
	BA	D78-32A			d 11 10 77				46,660
Energy (Molten salt breeder reactor project)	BA	D78-36			10 3 77				
	BA	D78-36A		e	d 11 10 77				
Energy (10 MW solar thermal power plant)	BA	D78-45	31,000		11 10 77	-31,000			
Energy	BA	D78-62	12,300		5 12 78				12,300
DEPARTMENT OF ENERGY /b TOTAL	BA		113,457			-31,000			82,457
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Office of the Assistant Secretary for Health									
Scientific act. overseas (spec. foreign currency)	BA	D78-53	3,497		1 27 78				3,497
Office of Education									
Higher and continuing education	BA	D78-13	3,740		10 3 77				3,740
Social Security Administration									
Limitation on salaries and expenses	BA	D78-14	13,865		10 3 77				

PAGE 5 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1978 AS OF 06/30/78 16:39

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE		DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 07-01-78
	BA	D78-14A			f	1 27 78				13,865
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE TOTAL BA			21,102							21,102
DEPARTMENT OF THE INTERIOR										
Bureau of Land Management										
Oregon and California grant lands	BA	D78-15	31,200			10 3 77				
	BA	D78-15A		1,980		2 23 78				33,180
Bureau of Reclamation										
Construction and rehabilitation	BA	D78-63	17,700			5 12 78				17,700
Heritage Conservation and Recreation Service										
Land and water conservation fund	BA	D78-16	30,000			10 3 77				
	BA	D78-16A			g	6 5 78				30,000
Geological Survey										
Payments from proceeds, sale of water	BA	D78-17	34			10 3 77				34
Bureau of Mines										
Drainage of anthracite mines	BA	D78-18	3,500			10 3 77	-1,600			1,900
Office of Territorial Affairs										
Trust territory of the Pacific Islands	BA	D78-19	12,000			10 3 77				12,000
DEPARTMENT OF THE INTERIOR TOTAL BA			94,434	1,980			-1,600			94,814
DEPARTMENT OF JUSTICE										

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 07-01-78
Federal Prison System									
Buildings and facilities	BA	D78-20	42,245		10 3 77				42,245
Law Enforcement Assistance Administration									
Salaries and expenses	BA	D78-54	2,668		1 27 78	-2,668			
DEPARTMENT OF JUSTICE TOTAL	BA		44,913			-2,668			42,245
DEPARTMENT OF LABOR									
Employment and Training Administration									
Advances to unemployment trust fund & other funds	BA	D78-55	1,380,114		1 27 78	-300,000			1,080,114
DEPARTMENT OF LABOR TOTAL	BA		1,380,114			-300,000			1,080,114
DEPARTMENT OF STATE									
Other									
Emergency refugee and migration assistance fund /h	BA	D78-43	2,000		11 10 77				
	BA	D78-43A		5,800	12 15 77	-7,550			250
DEPARTMENT OF STATE TOTAL	BA		2,000	5,800		-7,550			250

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 07-01-78
DEPARTMENT OF TRANSPORTATION									
Coast Guard									
Acquisition, construction, and improvements	BA	D78-21	13,031		10 3 77	-13,031		j	
Federal Aviation Administration									
Construction, Metropolitan Washington Airports	BA	D78-22	1,010		10 3 77				1,010
Civil supersonic aircraft development termination	BA	D78-23	134		10 3 77				
	BA	D78-23A		14	1 27 78				148
Facilities & equip. (Airport & airway trust fund)	BA	D78-24	320,650		10 3 77	-68,487			252,163
Federal Highway Administration									
Trust fund share of other highway programs	BA	D78-25	74,880		10 3 77	-3,130			71,750
DEPARTMENT OF TRANSPORTATION TOTAL BA			409,705	14		-84,648			325,071
DEPARTMENT OF THE TREASURY									
Office of the Secretary									
Antirecession financial assistance fund	BA	D78-26	8,184		10 3 77				
	BA	D78-26A		2,425	11 10 77				
	BA	D78-26B		100	12 15 77				
	BA	D78-26C		439	1 27 78	-8,927			2,221
	O	D78-50	3,406		12 15 77	-3,406			
	O	D78-58	388		2 23 78	-388			
	O	D78-66	5,000		6 5 78				5,000

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 07-01-78
State and local government fiscal assistance fund									
	BA	D78-27	45,996		10 3 77				
	BA	D78-27A		23,905	11 10 77				
	BA	D78-27B		11,831	12 15 77				
	BA	D78-27C		729	1 27 78	-1,237			81,224
	O	D78-28	391		10 3 77				
	O	D78-28A		1,320k	12 15 77				
	O	D78-28B		4,068	2 23 78	-3,961		435	2,253
Bureau of the Mint									
Construction of mint facilities									
	BA	D78-29	5,730		10 3 77				5,730
DEPARTMENT OF THE TREASURY									
TOTAL	BA		59,910	39,429		-10,164			89,175
TOTAL	O		9,185	5,388		-7,755		435	7,253
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION /m									
Operating Expenses									
Gas cooled reactors									
	BA	D78-30	15,000		10 3 77		-15,000n		
Plant and Capital Equipment									
Fusion material test facility									
	BA	D78-33	7,500		10 3 77		-7,500p		
Intense neutron source facility									
	BA	D78-34	11,300		10 3 77		-11,300q		
Intersecting storage ring accelerator									
	BA	D78-35	5,000		10 3 77		-5,000r		
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION /m									
TOTAL	BA		38,800				-38,800		
GENERAL SERVICES ADMINISTRATION									
Property Management and Disposal Activities									

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 07-01-78
Rare silver dollar program	BA	D78-37	1,710		10 3 77				1,710
Federal Preparedness Agency									
State and local preparedness	BA	D78-38	80		10 3 77				80
GENERAL SERVICES ADMINISTRATION TOTAL BA			1,790						1,790
OTHER INDEPENDENT AGENCIES									
Foreign Claims Settlement Commission									
Payment of Vietnam prisoner of war claims	BA	D78-39	10,738		10 3 77				10,738
International Communication Agency									
Salaries & expenses (special foreign currency)	BA	D78-41	1,153		10 3 77				
	BA	D78-41A		500	1 27 78				
	BA	D78-41B		s	5 12 78				1,653
Interstate Commerce Commission									
Payment of directed rail service	BA	D78-40	13,700		10 3 77				13,700
National Science Foundation									
Research and related activities	BA	D78-46	4,500		11 10 77	-4,500			
	BA	D78-56	6,900		1 27 78				6,900
United States Railway Association									
Payment for purchase of Conrail securities	BA	D78-42	260,000		10 3 77	-157,000			103,000
OTHER INDEPENDENT AGENCIES TOTAL BA			296,991	500		-161,500			135,991
TOTAL BA			4,897,929	54,311		-1,486,183	-38,800	-86,817	3,340,440
TOTAL O			9,185	5,388		-7,755		435	7,253

a. This amount is included in two rescission proposals: R78-2, for $40,200, transmitted to the Congress on January 27, 1978; and R78-6, for $48,000, transmitted to the Congress on June 5; 1978.

b. See also Energy Research and Development Administration.

c. The amount previously reported in this deferral, $2.3 million, is now contained in another Department of Energy deferral, D78-62.

d. The supplementary report changed the deferral from the Energy Research and Development Administration to the Department of Energy.

e. The amount previously reported in this deferral, $1.5 million, is now contained in another Department of Energy deferral, D78-62.

f. The supplementary report changed the budget account title under which this deferral had been previously reported from the Limitation on construction to the Limitation on salaries and expenses.

g. The supplementary report changed the bureau title under which this deferral had been previously reported from the Bureau of Outdoor Recreation to the Heritage Conservation and Recreation Service.

h. This account, previously displayed in the Funds Appropriated to the President section of this report, was moved to the Department of State section to reflect a corresponding change in its location in the President's budget.

j. Impoundment resolution S. Res. 282 passed the Senate on November 1, 1977, rejecting this deferral. The funds, however, were made available for obligation on October 31, 1977.

k. This amount is net of a release of $40,000 that was made prior to the transmittal of this supplementary report.

m. See also Department of Energy.

n. Impoundment resolution H. Res. 851 passed the House on November 2, 1977, rejecting this deferral.

p. Impoundment resolution H. Res. 852 passed the House on November 2, 1977, rejecting this deferral.

q. Impoundment resolution H. Res. 853 passed the House on November 2, 1977, rejecting this deferral.

r. Impoundment resolution H. Res. 854 passed the House on November 2, 1977, rejecting this deferral.

s. On April 1, 1978, the functions and budgetary resources of the United States Information Agency were transferred to the International Communication Agency, pursuant to Reorganization Plan No. 2 of 1977 and Executive Order No. 12048 of March 27, 1978. The supplementary report reflects this change.

[FR Doc. 78-19602 Filed 7-13-78; 2:33 pm]

dial-a-reg



For an advance "look" at the FEDERAL REGISTER, try our new information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the FEDERAL REGISTER.

AREA CODE 202

523-5022